LAWS, RESOLUTIONS AND MEMORIALS

OF THE

STATE OF MONTANA

PASSED AT THE

SECOND REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY.

HELD AT HELENA, THE SEAT OF GOVERNMENT OF SAID STATE, COMMENCING JANUARY 5TH, 1891, AND ENDING MARCH 5TH, 1891.

TO WHICH IS PREFIXED

The Constitution of the State of Montana.

PUBLISHED BY AUTHORITY.

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CERTIFICATE OF AUTHENTICATION.

State of Montana,
Secretary's Office.

I, L. ROTWITT, Secretary of State of the State of Montana, do hereby certify that the printed Laws, Resolutions and Memorials contained herein are true and correct copies of all the Enrolled Laws, Resolutions and Memorials that were passed at the Second Regular Session of the Legislative Assembly of said State, begun January 5th, A. D. 1891, and ending March 5th, A. D. 1891, and held at Helena, the seat of government of said State, with the exception of corrections in orthography and punctuation, and omission or substitute words inserted in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State.

[SEAL.] *Done at Helena, the seat of government of the State of Montana, this 27th day of July, A. D. 1891.*

L. ROTWITT,
Secretary of State.

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ERRATA.

Page 5, section 8, line 1, for *or* read *and*.
Page 5, section 8, line 2, for *or* read *and*.
Page 7, section 15, line 7, after the word *in* for *a* read *the*.
Page 13, section 23, line 6, after the word *not* insert the word *be* and after the word *so* omit the word *be*.
Page 14, section 25, line 3, after the word *extended* insert a comma, and after the word *shall* omit the comma.
Page 14, section 25, line 6, for *township or county*, read *county or township*.
Page 16, section 34, line 2, for *no* read *on*.
Page 18, section 1, line 3, after the word *October* insert the word *in*.
Page 25, section 12, line 4, after the word *but* omit the word *if*.
Page 30, section 10, line 4, after the word *Montana* omit the word *to*.
Page 31, section 14, line 7, for *or* read *of*.
Page 36, section 2, line 8, for *town* read *county* and for *county* read *town*.
Page 42, section 4, line 4, for *rest* read *invest*.
Page 45, section 2, line 2, after the word *by* insert the word *a*.
Page 46, section 5, line 4, omit brackets.
Page 46, section 6, line 5, after the word *for* omit the word *the*.
Page 46, section 6, line 7, for *and* read *or*.
Page 47, section 6, line 4, on said page for *or* read *and*.
Page 51, section 14, line 3, for *or* read *and*.
Page 51, section 15, line 5, after the word *Territory* insert the word *or*.
Page 56, section 1, line 8, after the word *fidelity* omit the word *and*.
Page 61, section 10, line 5, for *respectfully* read *respectively*.
Page 61, section 13, line 2, for *in* read *of*.
Page 62, section 16, line 3, after the word *shall* insert the word *be*.
Page 68, eighth sub-division, line 5, after the word *to* omit the word *the*, and after the word *of* insert the word *the*.
Page 74, section 4, 1st sub-division, line 2, for *stock* read *stocks*.
Page 76, section 11, line 2 for *operating* read *operated*.
Page 82, section 23, line 1, for *or* read *and*.
Page 82, section 23, line 3, for *situated* read *situate*.
Page 82, section 24, line 1, for *and* read *or*.
Page 82, section 24, line 3, for *their* read *the*.
Page 82, section 29, line 1, for *and* read *and*.
Page 86, section 36, line 21, insert after the word *subscribe* the word *such*.
Page 87, section 38, line for *day* read *Monday*.
Page 91, section 46, line 11, insert after the word *State* the word *Board*.
Page 93, section 50, line 13, for *who* read *and*.
Page 96, section 61, line 6, for *valuation* read *value*.
Page 97, section 63, line 3, insert after the word *making* the word *the*.
Page 97, section 64, line 2, for *witness* read *witnesses*.
Page 103, section 76, line 8, for *in* after the word *county* read *of*.
Page 111, section 115, line 22, after the word *in* omit the word *that*.
Page 112, section 119, line 2, after the word *copy* omit the word *be*.
Page 113, section 122, line 2, for *made* read *may*.
Page 113, section 126, line 1, insert *Sec.* before the figures *126*.
Page 121, section 160, line 6, after the word *all* omit the word *the*.
Page 123, section 170, line 8, for *such* read *the*.
Page 125, section 182, line 2, insert after the word *paid* the word *to*.
Page 127, section 194, line 1, insert *Sec.* before the figures *194*.
Page 130, on the last line of said page insert *A. D.* before *1892*.
Page 134, section 1, line 10, on said page, for *judiciary* read *judicial*.
Page 145, section 2, line 5, after the word *State* insert a comma, and omit the comma after the word *together*.
Page 164, section 1, line 10, for *there, with* read *therewith*.
Page 165, section 2, line 18 on said page, for *thirty-five* read *1551*.
Page 166, section 3, line 5, after the word *quarter* omit the word *and*.
Page 169, section 1, line 12 on said page, for *said* read *State*.
Page 171, section 5, line 1, for *and* read *or*.
Page 174, section 8, line 1, after the word *certified* omit the word *to*.
Page 174C, section 8, line 1, after the figures *1891* insert the word *and*.
Page 174C, section 8, line 4, after the word *board* omit the word *and*.
Page 174D, section 12, line 6, after the word *to* omit the word *do*.
Page 174E, section 16, line 13, for *such* read *said*.
Page 174I, section 23, line 9 on said page, after the worn of insert the word *the*.
Page 174O, section 43, line 4, for *or* read *and*.
Page 174P, section 46, line 1, after the word *or* omit the word *that*
Page 174R, section 50, line 1, for *of* read *for*.
Page 186, section 13, line 6, after the word *of* insert the *the*.
Page 189, section 2, line 4, on said page, for *bill* read *bid*.
Page 190, section 4, line 10, for *supplied* read *supplies*.
Page 192, section 5, line 16, for *a* read *at*.
Page 193, section 5, line 9 on said page, after the word *in* insert the word *the*.
Page 194, section 8, line 1, after the word *that* insert the word *at*.

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Page 199, section 1, line 11, for *Society* after the word *Legislative* read *Assembly.*
Page 207, section 2, line 1, on said page, for *name* read *same.*
Page 211, section 4, line 5 on said page, after the word *where* insert the word *the.*
Page 212, section 2, line 11, after the word *in* insert the word *the.*
Page 214, section 4, line 3, after the word *of* omit the word *the.*
Page 215, section 1, line 2, for *Judidial* read *Judicial.*
Page 216, section 2, line 2, for *the* before the word *State* read *this.*
Page 216, section 3, line 4, after the word *for* omit the word *the.*
Page 217, section 4, line 2 on said page, after the word *any* insert the word *one.*
Page 219, after the word *powers* in the title o the Act insert the words *and duties.*
Page 220, section 3, line 3, after the word *of* omit the word *the.*
Page 221, section 1, line 3, for *in* read *of.*
Page 226, section 2, line 6, after the word *incur* insert the word *an.*
Page 229, section 7, line 1, after the word *of* insert the word *all.*
Page 230, section 7 line 4 on said page, for *and* read *or.*
Page 230, section 8, line 5, for *or* read *and.*
Page 233, section 3, line 5 on said page, for *shall* read *to.*
Page 233, section 4, line 10, after the word *of* insert the word *the.*
Page 234, section 2, line 2, after the word *with* insert the words *the provisions of.*
Page 235, section 1, line 1 on said page, for *part* read *party.*
Page 237, section 3, line 21, on said page for *representation* read *presentation.*
Page 240, section 7, line 4, after the word *now* insert the word *or* and after the word *may* in line 5, omit the word *or.*
Page 245, section 1, line 7, for *or* before the word *eight* read *of.*
Page 246, section 1, line 8, for *commitment* read *commitment.*
Page 249, section 2, line 1, after the word *examined* insert the words *and committed.*
Page 252, section 2, line 5, on said page, before the word *the* omit the words *Sec. 3.*
Page 253, section 1, line 2 on said page after the word *of* insert the word *a.*
Page 253, section 1, line 8, for *entrused* read *entrusted.*
Page 255, section 2, line 4, for *maganize* read *magazine.*
Page 256, section 1, line 2, for *girding* read *girdling.*
Page 257, section 1, line 2 for *an* read *any.*
Page 260, section 1, line 4, for *lay* read *day.*
Page 261, section 2, line 8, for *3* read *4.*
Page 263, in title of act omit the words *a bill for.*
Page 264, section 2. line 8, for *date* read *day.*
Page 264, section 2, line 15, after the word *examine* insert the word *the.*
Page 265, section 3, line 9, after the word *all* insert the word *the.*
Page 265, section 6, line 8, after the word *as* insert the word *a.*
Page 273, section 1, line 3, for *1887* read *1888.*
Page 277, section 10, line 3, for *this* read *that.*
Page 278, in title of Act, line 2, for *State* read *Territory.*
Page 278, in title of Act, l ne 5, for *precedure* read *procedure*
Page 279, Section 1, line 2 on said page, for *precedure* read *procedure.*
Page 279, section 2, line 1, for *this* read *said.*
Page 280, section 8, line 8, for *Commissioners* read *Commission.*
Page 281, section 10, line 1, for *fist* read *first.*
Page 281, section 10, line 1, for *in* read *of.*
Page 281, section 10, line 2, for *Commissioners* read *Commission.*
Page 281, section 11, line 4, for *$1,500* read *one thousand five hundred dollars.*
Page 282, section 1, line 3, after the word *across* insert the word *the.*
Page 282, in title of Act relating to "Coal Mining," line 3, for *in* read *of.*
Page 282, section 1, f Act relating to "Coal Mining," line 9, after the word *of* omit the word *the.*
Page 288, section 1, line 8 on said page, after the word *all* insert the word *the.*
Page 296, section 1, line 6 on said page, after the word *across* omit the word *or*, and after the word *upon* insert the word *or.*
Page 296, section 1, line 18 on said page, for *affected* read *effected.*
Page 296, section 2, line 5, for *affected* read *effected.*
Page 299, section 1, line 2, for *in* read *of.*
Page 299, section 1, line 3, for *189?* read *eighteen hundred and ninety-two.*
Page 299, section 1, line 6, for *189?* read *eighteen hundred and ninety-two.*
Page 306, section 19, line 3 on said page, for *Cout* read *Court.*
Page 310, section 4, line 12, for *annally* read *annually.*

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Officers and Members of the Second Legislative Assembly.

GOVERNOR.....JOSEPH K. TOOLE

LIEUT. GOV. AND PRES. OF SENATE...JOHN E. RICKARDS

MEMBERS OF THE SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.

SENATE.

NAMES OF MEMBERS.	Counties Represented.	Senatorial Districts Represented.	Postoffices.
* Lawrence A. Brown.	Beaverhead	1	Dillon.
† Simeon R. Buford	Madison	2	Virginia City.
* Chas. W. Hoffman	Gallatin	3	Timberline.
† Edward Cardwell	Jefferson	4	Cold Springs.
* Wm. M. Thornton	Deer Lodge	5	Anaconda.
† Elmer D. Matts	Missoula	6	Missoula.
* Cornelius Hedges	Lewis and Clarke	7	Helena.
† John W. Power	Choteau	8	Fort Benton.
* Wm. Parberry	Meagher	9	White Sulph Sp'gs.
† D. J. Hennessy	Silver Bow	10	Butte City.
* R. G. Redd	Custer	11	Miles City.
† O. F. Goddard	Yellowstone	12	Billings.
* W. S. Becker	Dawson	13	Glendive.
† Chas. W Bayliss	Fergus	14	Ubet.
* Jas. S. Thompson	Park	15	Livingston.
† Paris Gibson	Cascade	16	Great Falls.

* Term expires one day after election in November, 1892.
† Term expires one day after election in November, 1894.
Lawrence A. Brown resigned.

SUBORDINATE OFFICERS.

John J. Fallon.....Secretary.
David Marks.....Assistant Secretary.
Daniel Searles.....Enrolling Clerk.
H. Rosenzweig.....Engrossing Clerk.
Miles Finlan.....Sergeant at Arms.
Rev. D. B. Brice.....Chaplain.
Eugene Dickinson and Henry Buford.....Pages.

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HOUSE OF REPRESENTATIVES.

Name of Members.	Counties Represented.	Post Office.
Comly, H. R., Speaker	Lewis and Clarke	Helena.
Humber, R. G., Speaker pro tem	Deer Lodge	Deer Lodge.
Barrows, John R.	Fergus	Helena.
Beach, E.	Lewis and Clarke	Helena.
Boardman, James M.	Choteau	Fort Benton.
Blair, J. W.	Deer Lodge	Helmville.
Blake, A. S.	Missoula	Victor.
Blakely, Charles P.	Gallatin	Bozeman.
Breen, Peter	Jefferson	Wickes.
Burns, A. F.	Lewis and Clarke	East Helena.
Carney, Patrick	Madison	Fish Creek.
Clark, James K.	Silver Bow	Butte.
Cory, D. A.	Lewis and Clarke	Helena.
Crutchfield, C. M.	Deer Lodge	Missoula.
Day, A. M.	Silver Bow	Butte.
Dusseault, A. M.	Silver Bow	Butte.
Eaton, Charles H.	Park	Cooke.
Frank, H. I.	Silver Bow	Butte.
Goodman, E. H.	Meagher	Townsend.
Greenough, T. L.	Missoula	Missoula.
Hardenbrook, C. K.	Deer Dodge	Deer Lodge.
Harlan, W B.	Missoula	Como.
Harrington, Fayette	Madison	Butte.
Hastie, Edwin D.	Cascade	Sun River.
Higgins, F. G.	Missoula	Missoula.
Hoffman, Frank H.	Silver Bow	Butte.
Hollywood, Frank	Deer Lodge	Granite.
Holter, A. M.	Lewis and Clarke	Helena.
Horsky, John	Lewis and Clarke	Helena.
Howey, R. H.	Lewis and Clarke	Helena.
Hughes, Sylvan	Deer Lodge.	Anaconda.
Kempland, A. L.	Beaverhead and Deer Lodge (Joint)	Anaconda.
Lochray, Charles	Cascade	Sand Coulee.
Loud, Charles H.	Custer	Miles City.
McElwee, Daniel P.	Gallatin	Three Forks.
Mitchell, Samuel	Choteau	Choteau.
Monteith, James H.	Silver Bow	Butte.
Moran, Hugh H.	Custer	Miles City.
Newcomer, Martin	Cascade & Dawson (Joint)	Glendive.
Norton, Wm. H.	Yellowstone	Stillwater.
Phillips, J. T.	Missoula	Missoula.
* Penrose, W. J.	Silver Bow	Butte.
Poole, Gus E.	Jefferson	Radersburg.
Roberts, Wm. H.	Silver Bow	Butte.
Schmidt, Leopold F.	Silver Bow	Butte.
Stebbins, Chas. H.	Park	Livingston.
Thompson, Wm.	Silver Bow	Butte.
Toole, J. R.	Deer Lodge	Anaconda.
Twohy, Jas. C.	Jefferson	Boulder.
Waite, John D.	Fergus	Utica
Wallace, Wm., Jr.	Lewis and Clarke	Helena.
Whaley, Wm. C.	Gallatin and Jefferson (Joint)	Bedford.
Wing, R. T.	Beaverhead	Dillon.
* Witter, A. C.	Beaverhead	Dillon.
Woodson, John A.	Meagher	White Sulphur Springs.

* Deceased.

SUBORDINATE OFFICERS.

Chas. Z. Pond	Chief Clerk.
W. F. Shanley	Assistant Chief Clerk.
John Kay	Engrossing Clerk.
Henry Tutin	Enrolling Clerk.
C. F. Reardon	Sergeant at Arms.
E. Shortsleeves	Assistant Sergeant at Arms.
Rev. S. J. Hocking	Chaplain.
Felix Ryan and Alex Goodman	Pages.

HeinOnline -- 1891 VI 1891

TABLE OF CONTENTS.

	Page.
Constitution of State of Montana	3–64
Ordinances Nos 1 and 2	65–69
Index to Constitution	324
General Laws	71

DIVISION ONE—LAWS RELATING TO REVENUE AND APPROPRIATIONS.

	Page.
An Act Concerning Revenue	73
An Act to Appropriate Money for the Ordinary Expenses of the State Government for the Fiscal Years Ending December 1, A. D. 1891, and December 1, A. D. 1892	129
An Act to Appropriate Money for the Executive Legislative and Judicial Departments for the Fiscal Years Ending December 1, A. D. 1891, and December 1, 1892	130
An Act to Appropriate Money for the Payment of the Salaries of Certain District Judges, and the Salary and Expenses of the Mineral Land Commissioner	134
An Act Authorizing the State Treasurer to Make a Transfer of Certain Funds	135
An Act Appropriating Money to Pay the Salaries, Office and Traveling Expenses of the Boiler Inspector and Assistant Boiler Inspector	136
An Act Appropriating Money to Pay the Salaries, Office and Traveling Expenses of the Inspector and Deputy Inspector of Mines	136
An Act Appropriating Money to Pay the Salary, Office and Traveling Expenses of the Veterinary Surgeon	137
An Act Appropriating Money for the Support of the National Guard of Montana	137
An Act Appropriating Money to Pay for the Care, Custody, Maintenance and Treatment of the Insane	138
An Act Appropriating Money to Pay the Expenses of the Education and Transportation of Deaf Mutes, Feeble-Minded and Blind Children	139
An Act Appropriating Money to Pay for the Care, Custody and Maintenance of Prisoners Confined in the State Prison	139
An Act Appropriating Money to Pay the Expenses of the Transportation, Care, Custody and Maintenance of Convicts Confined in County Jails	140
An Act Appropriating Money for the Benefit of the Montana Law Library	140
An Act Appropriating Money for the Support of the Montana Law Library	141
An Act to Appropriate Money to Pay the Expense of Caring for Certain State Property and Insurance of the Same	142
An Act Entitled "An Act to Appropriate Money to Provide Each Prisoner Discharged from the State Prison with a Suit of Clothing and the Payment in Cash Provided by Law	142
An Act to Cover Certain Surplus Moneys Back into the State Treasury	143

HeinOnline -- 1891 VII 1891

Page.
Acts Appropriating Moneys for the Relief of Certain Individuals 144-163
An Act to Provide Revenue for the Support of the Government of the State for the Fiscal Years of 1891 and 1892 163
An Act Concerning Licenses 164

DIVISION TWO—LAWS RELATING TO STATE OFFICERS.

Page.
A Bill for an Act Entitled an "Act to Amend Section 144, Chapter X of the Fifth Division of the Compiled Statutes of Montana" 168
A Bill for an Act to Prescribe the Duties and Compensation of the Officers and Employees of each House of the Legislative Assembly 170
An Act to Provide for the Care of Certain State Property 172
An Act Fixing the Fees for the Performance of Certain Official Duties by the Secretary of State 172
An Act to Provide for the Election of Presidential Electors 173
A Bill for an Act Entitled An Act to Provide for the Selection, Location, Appraisal, Sale and Leasing of State Lands ..... 174 a
An Act Entitled An Act to Fill Vacancies Occurring in the Legislative Assembly 175
An Act to Provide for the Selection and Conveyance of School and Indemnity Lands and of Certain Public Lands Donated to the State of Montana by the United States for Various Public Buildings and Institutions and to Pay the Necessary Expenses thereof 176
An Act to Provide a Mineral Land Commissioner for the State of Montana, to Define His Duties and Provide for His Compensation and Expenses 178
A Bill for An Act with Reference to Estrays Upon the Public Domain 180
An Act to Prescribe the Duties of the State Board of Examiners 183
A Bill for an Act to Provide for the Advertising for and Letting of Contracts for the Furnishing of Halls, Supplies and Printing for the State Legislature and Other Departments of the State Government 188
An Act Entitled "An Act Regulating the Granting of Pardons, Commutations, Respites and Remissions, and Prescribing the Function and Duties of the Board of Pardon. 191
An Act to Provide for the Collection, Arrangement and Display of the Products of the State of Montana at the World's Columbian Exhibition of 1893, and to make an Appropriation therefor 195
A Bill for an Act Concerning the Historical Society of the State of Montana and Making an Appropriation therefor 199
An Act to Provide for the Care and Keeping of the Insane 202

DIVISION THREE—LAWS PERTAINING TO COURTS, JUDGES AND COURT OFFICERS.

Page.
An Act to Enable the Courts of the State of Montana to Procure Proper Seals 206
An Act to Provide for the Holding of Regular Sessions of the Supreme Court 207
An Act Entitled "An Act Prescribing the Compensation and Duties of the Clerk of the Supreme Court and Regulating Fees 208
An Act to Create the Office of Marshal of the Supreme Court; to Provide for His Appointment; to Define His Duties and Fix His Compensation 210
An Act Entitled "An Act to Provide for an Additional Judge for the District Courts in the First and Second Judicial Districts of the State of Montana" 211

HeinOnline -- 1891 VIII 1891

Page.

An Act Entitled "An Act Defining the Powers and Prescribing the Duties of Additional District Judges 212

An Act to Create the Ninth Judicial District of the State of Montana and to Provide for its Organization 215

An Act to Create the Tenth Judicial District of the State of Montana and to Provide for its Organization 216

An Act entitled "An Act to provide an Index to District Court Records and Providing for Keeping the same 217

A Bill for an Act Conferring Additioual Powers on Clerks of District Courts 219

Division Four—Laws Relating to Counties and Districts and County and District Officers.

Page.

An Act Relating to the Duties of Clerks of Boards of County Commissioners in Issuing No ices of Election 221

A Bill for an Act to amend Section 1810, Fifth Division, General Laws of the Compiled Statutes of Montana 222

An Act to Attach Certain Portions of the Right of Way of the Northern Pacific Railroad Company and the Rocky Fork and Cooke City Railway Company to Yellowstone County for Purposes of Taxation and for Judicial Purposes 223

An Act to Amend Section 731 of Chapter XXXVIII of the Fifth Division of the Compiled Statutes of Montana. Defining the Boundaries of Deer Lodge County, and to render the same definite 224

An Act to amend Sections 790, 795, 796 and 808 of the Fifth Division of the Compiled Statutes of Montana 225

An Act entitled "An Act to Create the Office of County Auditor" 227

An Act Requiring Certain County and District Officers to Report the Fees and Emoluments Received by them to the County Commissioners, and Requiring the County Clerks to Report the Substance Thereof to the State Auditor, and for the Publication of the same 232

An Act Fixing the Compensation for the Board of Prisoners Confined in County Jails 234

A Bill for an Act entitled "An Act to Amend Section 944 of the Fifth Division of the Compiled Statutes of Montana" 234

An Act Concerning Compensation of County, District and Township Officers 235

An Act entitled "An Act to Fix the Number of School Trustees in Cities and Towns .. 242

An Act entitled "An Act to Amend Section 1880 of the School Laws of Montana in Relation to Publishing Notices and the Qualification of Electors at School Elections 243

An Act to Amend an Act entitled "An Act to Amend an Act to Enable Cities and Towns to Incur Indebtedness 245

Division Five—Laws Relating to Crimes and Criminal Proceedings.

Page.

An Act entitled "An Act to Provide for the Taking of Depositions of Persons Imprisoned for the Purpose of Securing their Testimony in Criminal Proceedings" 246

An Act entitled "An Act Relating to Information in Criminal Cases" 248

HeinOnline -- 1891 IX 1891

Page.

An Act to Amend an Act entitled "An Act for the Better Protection of Game and Fish" 251

An Act entitled "An Act amending Section 92, Fourth Division of the Compiled Statutes of Montana, Relating to Embezzlement 253

An Act to Repeal Sections 252, 253 and 254, of the Fourth Division of the Compiled Statutes of Montana, to-wit: Of the Criminal Laws 254

A Bill for an Act Concerning Obscene Literature 255

An Act to Prevent Depredations upon the School, University and other Lands of the State 256

An Act entitled "An Act for the Protection of Discharged Employees and to Prevent Blacklisting" 257

A Bill for an Act for the Better Protection of Consumers of Kerosene or Coal Oil 258

Division Six—General Laws.

Page.

A Bill for "An Act to declare the First Monday of September in each year to be a Legal Holiday, to be Known and Designated as "Labor Day" 260

A Bill for An Act to Encourage the Production of Sugar Beets and the Manufacture of Sugar therefrom in Montana 26

An Act giving the Consent of the State of Montana to the Purchase, by the United States, of Land in any City or Town of the State. for the Purpose of United States Court House, Post Office and for Other Purposes 261

An Act Ceding to the United States Jurisdiction over Certain Lands 262

A Bill for An Act to Authorize Married Women to Transact Business in Their own Name as Sole Traders 263

An Act in Relation to the Exercise of Eminent Domain by Railroad Corporations 266

An Act Requiring Railroad Companies to Pay for Damages to Stock 267

An Act to amend Sections 608 and 614 of the First Division of the Code of Civil Procedure, being Title XV, of the Compiled Statutes of Montana of 1887, entitled "Of Eminent Domain" 269

A Bill for An Act to Enable Universities and Colleges under the Patronage of Religious Bodies to Reorganize and change their Names 272

A Bill for An Act to Provide for the Payment of Bounties for the killing of Certain Stock Destroying Animals and for the Repeal of all Acts in conflict therewith 274

An Act to Amend An Act of the Legislative Assembly of the State of Montana, entitled, "An Act to Provide for the Appointment of a Commission to Codify the Criminal and Civil Law and Procedure, and to Revise, Complete and Arrange the Statute Laws of Montana, Approved March 14, 1889 278

An Act entitled, An Act to allow the raising of the waters of the Jefferson River for Irrigating and other purposes" 281

An Act entitled, "An Act regulating the mining of coal in the State of Montana and for the Protection of employees in coal mines" 282

An Act entitled, An Act Providing for the Submission of the Question of the Permanent Location of the Seat of Government 291

An Act Providing for the Submission to the Qualified Electors of the State of an Amendment to Section 4, Article 16, of the Constitution, relating to County Commissioners 294

An Act entitled, "An Act to define the mode of procedure in relation to right of way for ditches, flumes or canals for irrigating and other purposes" 295

HeinOnline -- 1891 X 1891

Page.

An Act Providing for the Election of State and County officers and the Canvassing of the Returns of said Election 299

An Act to provide for the Election of a Representative in Congress 306

Division Seven—Special Laws, Memorials and Resolutions.

Page.

An Act Fixing the Per Diem of the Officers and Attaches of the House of Representatives of the Second Legislative Assembly of the State of Montana 307

An Act fixing the Per Diem of Officers and Attaches of the Senate of the Second Legislative Assembly of the State of Montana 308

An Act to Provide for Bonding the Outstanding Indebtedness of the City of Helena.. 309

Joint Resolution Memorializing the Congress of the United States to make a Survey from the St. Mary's River to Milk River in the State of Montana 312

Senate Joint Resolution: To the Governors and Legislatures of the States of Idaho, Washington, California, Nevada, Colorado, Wyoming and Oregon, and the Territories of Utah, Arizona and New Mexico 313

Senate Concurrent Resolution asking the Removal of Mineral Restriction upon School Lands and the Extension of the Term of Leases 314

Resolution of Sorrow and Respect for the Death of Secretary of Treasury Windom, Admiral Porter and General Sherman 315

Senate Concurrent Resolution No. 5 315

Senate Joint Memorial No. 3 316

Senate Joint Memorial No. 4, Concerning the Crow Indian treaty 316

A Joint Memorial to Congress for such Action as will Preserve all the Discovered and Undiscovered Mines and Mineral Lands, bearing the Precious Metal, to the People Forever 317

Senate Joint Memorial No. 6 318

Senate Joint Memorial No. 7 319

House Joint Memorial to Congress Praying for a Passage of a Bill Permitting the Construction of a Railroad by the Montana Mineral Railway Company 320

House Joint Resolution No. 5 322

House Joint Resolution No. 6 322

Index to Session Acts VII

HeinOnline -- 1891 XI 1891

HeinOnline -- 1891 XII 1891

CONSTITUTION

OF THE

STATE OF MONTANA,

AS ADOPTED BY THE

CONSTITUTIONAL CONVENTION

HELD AT

HELENA, MONTANA, JULY 4, A. D. 1889.

AND ENDING AUGUST 17, A. D. 1889.

AND ALSO AN ADDRESS TO THE PEOPLE.

HeinOnline -- 1891 1 1891

PREAMBLE.

We, the people of Montana, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a State Government, do, in accordance with the provisions of the Enabling Act of Congress, approved the twenty-second of February, A. D. 1889, ordain and establish this Constitution.

HeinOnline -- 1891 2 1891

CONSTITUTION.

ARTICLE I.

BOUNDARIES.

SECTION 1. The boundaries of the State of Montana shall be as follows, to-wit: Beginning at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude, thence due west on the forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington, thence due south along the thirty-fourth degree of longitude, to a point formed by its intersection with the crest of the Rocky Mountains, thence following the crest of the Rocky Mountains northward to its intersection with the Bitter Root Mountains; thence northward along the crest of the Bitter Root Mountains; to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the British Possessions, thence eastward along that boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning.

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ARTICLE II.

MILITARY RESERVATIONS.

SECTION 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation as provided by the Constitution of the United States, over the military Reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the Legislative Assembly of the State of Montana; and the Legislative Assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

Provided, That there be and is hereby reserved to the State the right to serve all legal process of the State, both civil and criminal, upon persons and property found within any of said reservations in all cases where the United States has not exclusive jurisdiction.

ARTICLE III.

A DECLARATION OF RIGHTS OF THE PEOPLE OF THE STATE OF MONTANA.

SECTION 1. All political power is vested in and derived from the people; all government of right originates with the people; is founded upon their will only and is instituted solely for the good of the whole.

SEC. 2. The people of the State have the sole and exclusive right of governing themselves, as a free, sovereign and independent State, and to alter and abolish their constitution and form of government, whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to t. e Constitution of the United States.

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SEC. 3. All persons are born equally free, and have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness in all lawful ways.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion, but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous or polygamous marriage, or otherwise, or justify practices inconsistent with the good order, peace or safety of the State, or opposed to the civil authority thereof, or of the United States. No person shall be required to attend any place of worship or support any ministry, religious sect or denomination, against his consent; nor shall any preference be given by law to any religious denomination or mode of worship.

SEC. 5. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. Courts of Justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character; and that right and justice shall be administered without sale, denial or delay.

SEC. 7. The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures, and no warrant to search any place or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, nor without probable cause, supported by oath or affirmation, reduced to writing.

SEC. 8. Criminal offenses of which Justice Courts or Municipal or other Courts, inferior to the District Courts, have jurisdiction, shall, in all Courts inferior to the District Court be prosecuted by complaint. All criminal actions in the District Court, except those on appeal, shall be prosecuted by information, after

HeinOnline -- 1891 5 1891

examination and commitment, by a magistrate, or after leave granted by the Court, or shall be prosecuted by indictment without such examination or commitment, or without such leave of the court. A grand jury shall consist of seven persons of whom five must concur to find an indictment.

A grand jury shall only be drawn and summoned when the district judge shall in his discretion consider it necessary, and shall so order.

SEC. 9. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the Legislative Assembly; no conviction shall work corruption of blood or forfeiture of estate; the estates of persons who may destroy their own lives shall descend or vest as in cases of natural death.

SEC. 10. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel, the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the facts.

SEC. 11. No expost facto law, nor law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the Legislative Assembly.

SEC. 12. No person shall be imprisoned for debt except in the manner prescribed by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

SEC. 13. The right of any person to keep or bear arms in defense of his own home, person and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

HeinOnline -- 1891 6 1891

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into Court for the owner.

SEC. 15. The use of all water now appropriated, or that may hereafter be appropriated for sale, rental, distribution or other beneficial use and the right of way over the lands of others, for all ditches, drains, flumes, canals and acqueducts, necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use. Private roads may be opened in a manner to be prescribed by law, but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury, and such amount, together with the expenses of the proceeding shall be paid by the person to be benefitted.

SEC. 16. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the State to have a change of venue for any of the causes for which the defendant may obtain the same.

SEC. 17. No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appearance at the time of trial he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the manner prescribed by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof. Any deposition authorized by this section may be received as evidence on the trial, if the witness shall be dead or absent from the State.

SEC. 18. No person shall be compelled to testify against himself in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense.

HeinOnline -- 1891 7 1891

SEC. 19. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 20. Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted.

SEC. 21. The privilege of the writ of habeas corpus shall never be suspended, unless, in case of rebellion, or invasion, the public safety require it.

SEC. 22. The military shall always be in strict subordination to the civil power; no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

SEC. 23. The right of trial by jury shall be secured to all, and remain inviolate, but in all civil cases and in all criminal cases not amounting to felony, upon default of appearance or by consent of the parties expressed in such manner as the law may prescribe, a trial by jury may be waived, or a trial had by any less number of jurors than the number provided by law. A jury in a justice's court, both in civil cases and in cases of criminal misdemeanor, shall consist of not more than six persons. In all civil actions and in all criminal cases not amounting to felony two-thirds in number of the jury may render a verdict, and such verdict so rendered shall have the same force and effect as if all of such jury concurred therein.

SEC. 24. Laws for the punishment of crime shall be founded on the principles of reformation and prevention, but this shall not affect the power of the Legislative Assembly to provide for punishing offenses by death.

SEC. 25. Aliens and denizens shall have the same right as citizens to acquire, purchase, possess, enjoy, convey, transmit and inherit mines and mining property, and milling, reduction, concentrating and other works, and real property necessary for or connected with the business of mining and treating ores and minerals; *Provided*, That nothing herein contained shall be construed to infringe upon the authority of the United States to provide for the sale or disposition of its mineral and other public lands.

HeinOnline -- 1891 8 1891

SEC. 26. The people shall have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

SEC. 27. No person shall be deprived of life, liberty or property without due process of law.

SEC. 28. There shall never be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 29. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 30. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

SEC. 31. No armed person or persons or armed body of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the Legislative Assembly or of the Governor when the Legislative Assembly cannot be convened.

ARTICLE IV.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of this State are divided into three distinct departments: The Legislative, Executive, and Judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

HeinOnline -- 1891 9 1891

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power shall be vested in a Senate and House of Representatives, which shall be designated "The Legislative Assembly of the State of Montana."

SEC. 2. Senators shall be elected for the term of four years, and Representatives for the term of two years, except as otherwise provided in this Constitution.

SEC. 3. No person shall be a Representative who shall not have attained the age of twenty-one years, or a Senator who shall not have attained the age of twenty-four years, and who shall not be a citizen of the United States, and who shall not (for at least twelve months next preceding his election) have resided within the county or district in which he shall be elected.

SEC. 4. The Legislative Assembly of this State, until otherwise provided by law, shall consist of sixteen members of the Senate, and fifty-five members of the House of Representatives.

It shall be the duty of the first Legislative Assembly to divide the State into Senatorial and Representative Districts, but there shall be no more than one Senator from each county. The Senators shall be divided into two classes. Those elected from odd numbered districts shall constitute one class, and those elected from even numbered districts shall constitute the other class; and when any additional Senator shall be provided for by law his class shall be determined by lot.

One-half of the Senators elected to the first Legislative Assembly shall hold office for one year, and the other half for three years; and it shall be determined by lot immediately after the organization of the Senate, whether the Senators from the odd or even numbered districts shall hold for one or three years.

SEC. 5. Each member of the first Legislative Assembly, as a compensation for his services shall receive six dollars for each day's attendance, and twenty cents for each mile necessarily traveled in going to and returning from the seat of government

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to his residence by the usually traveled route, and shall receive no other compensation, perquisite or allowance whatsoever.

No session of the Legislative Assembly, after the first, which may be ninety days, shall exceed sixty days.

After the first session, the compensation of the members of the Legislative Assembly shall be as provided by law; *Provided*, That no Legislative Assembly shall fix its own compensation.

SEC. 6. The Legislative Assembly, (except the first) shall meet at the seat of government at twelve o'clock, noon, on the first Monday of January, next succeeding the general election provided by law, and at twelve o'clock, noon, on the first Monday of January, of each alternate year thereafter, and at other times when convened by the Governor.

The term of service of the members thereof shall begin the next day after their election, until otherwise provided by law; *Provided*, That the first Legislative Assembly shall meet at the seat of government upon the proclamation of the Governor after the admission of the State into the Union, upon a day to be named in said proclamation, and which shall not be more than fifteen nor less than ten days after the admission of the State into the Union.

SEC. 7. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office under the State; and no member of Congress, or other person holding an office (except Notary Public or in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

SEC. 8. No member of either house, shall, during the term for which he shall have been elected, receive any increase of salary or mileage under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President, *pro tempore*. The House of Representatives shall elect one of its members Speaker. Each house shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members.

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SEC. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribe or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary for the Legislative Assembly of a free State.

A member expelled for corruption shall not thereafter be eligible to either House of the Legislative Assembly; and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 12. Each House shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question, shall, at the request of any two members, be entered on the journal.

SEC. 13. The sessions of each Hou e and of the committees of the whole shall be open, unless the business is such as requires secrecy.

SEC. 14. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 15. The members of the Legislative Assembly shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 16. The sole power of impeachment shall vest in the House of Representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the Senate sitting for that purpose, and the

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Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

SEC. 17. The Governor and other State and Judicial officers, except Justices of the Peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the State, The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

SEC. 18. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 19. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

SEC. 20. The enacting clause of every law shall be as follows: "Be it enacted by the Legislative Assembly of the State of Montana."

SEC. 21. No bill for the appropriation of money, except for the expenses of the Government, shall be introduced within ten days of the close of the session, except by unanimous consent of the House in which it is sought to be introduced.

SEC. 22. No bill shall be considered or become a law unless referred to a Committee, returned therefrom and printed for the use of the members.

SEC. 23. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall be passed containing more than one subject which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not so be expressed.

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SEC. 24. No bill shall become a law except by a vote of a majority of all the members present in each House, nor unless on its final passage, the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 25. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended shall, be re-enacted and published at length.

SEC. 26. The Legislative Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating Township or County affairs; regulating the practice in Courts of Justice; regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates or Constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions, or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money, the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to unions (minors?) or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, per centages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever; for the punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the State treasury; relinquishing or extinguishing in whole, or in part, the indebtedness, liability or obligation of any corporation or person to this State, or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of

HeinOnline -- 1891 14 1891

infamous crimes; authorizing the creation, extension or impairing of liens; creating offices, or prescribing the powers or duties of officers in counties, cities, township or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 27. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislative Assembly immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

SEC. 28 The Legislative Assembly shall prescribe by law, the number, duties and compensation of the officers and employes of each house; and no payment shall be made from the State treasury, or be in any way authorized to any such person, except to an acting officer or employe elected or appointed in pursuance of law.

SEC. 29. No bill shall be passed giving any extra compensation to any public officer, servant, or employe, agent, or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law, except as may be otherwise provided herein.

SEC 30. All stationery, printing, paper, fuel and lights used in the Legislstive and other departments of government, shall be furnished, and the printing and binding and distribution of the laws, journals and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the Legislative Assembly, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor and State Treasurer.

SEC. 31. Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or

HeinOnline -- 1891 15 1891

diminish his salary or emolument after his election or appointment; *Provided*, That this shall not be construed to forbid the Legislative Assembly from fixing the salaries or emoluments of those officers first elected or appointed under this Constitution, where such salaries or emoluments are not fixed by this Constitution.

SEC. 32. All bills for raising the revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in the case of other bills.

SEC. 33. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the State, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 34. No money shall be paid out of the treasury except upon appropriations made by law, and no warrant drawn by the proper officer in pursuance thereof, except interest on the public debt.

SEC. 35. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 36. The Legislative Assembly shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes, or to perform any municipal functions whatever.

SEC. 37. No act of the Legislative Assembly shall authorize the investment of trust funds by executors, administrators, guardians or trustees in the bonds or stock of any private corporation.

SEC. 38. The Legislative Assembly shall have no power to pass any law authorizing the State, or any county in the State, to contract any debt or obligation in the construction of any railroad, nor give or loan its credit to or in aid of the construction of the same.

HeinOnline -- 1891 16 1891

SEC. 39. No obligation or liability of any person, association or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the Legislative Assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

SEC. 40. Every order, resolution or vote, in which the concurrence of both Houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two Houses, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses, as prescribed in the case of a bill.

SEC. 41. If any person elected to either House of the Legislative Assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced into the Legislative Assembly, in consideration or upon condition that any other person elected to the same Legislative Assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative Assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the Legislative Assembly shall give his vote or influence for or against any measure or proposition pending or proposed to be introduced in such Legislative Assembly, or offer, promise or assent so to, upon condition that any other member will give, or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such Legislative Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such Legislative Assembly, he shall be deemed guilty of bribery, and any member of the Legislative Assembly, or person elected thereto, who shall be guilty of either such offenses, shall be expelled and shall not thereafter be eligible to

HeinOnline -- 1891 17 1891

the Legislative Assembly, and on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

SEC. 42. Any person who shall directly or indirectly offer give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislative Assembly, to influence him in the performance of any of his official or public duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 43. The offense of corrupt solicitation of members of the Legislative Assembly, or of public officers of the State, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punishable by fine and imprisonment.

SEC. 44. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislative Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

SEC. 45. When vacancies occur in either house the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill the same.

ARTICLE VI.

APPORTIONMENT AND REPRESENTATION.

SECTION 1. One Representative in the Congress of the United States shall be elected from the State at large the first Tuesday in October, 1889, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress the Legislative Assembly shall divide the State into congressional districts accordingly.

HeinOnline -- 1891 18 1891

SEC. 2. The Legislative Assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895 and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Representatives on the basis of such enumeration according to ratios to be fixed by law.

SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a Representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of Representative districts.

SEC. 4. Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a Senatorial district consist of more than one county.

SEC. 5. The Senatorial districts of the State shall be constituted and numbered as follows:

The County of Beaverhead shall constitute the First district, and be entitled to one Senator.

The County of Madison shall constitute the Second district, and be entitled to one Senator.

The County of Gallatin shall constitute the Third district, and be entitled to one Senator.

The County of Jefferson shall constitute the Fourth district, and be entitled to one Senator.

The County of Deer Lodge shall constitute the Fifth district, and be entitled to one Senator.

The County of Missoula shall constitute the Sixth district, and be entitled to one Senator.

The County of Lewis and Clarke shall constitute the Seventh district, and be entitled to one Senator.

The County of Choteau shall constitute the Eighth district, and be entitled to one Senator.

The County of Meagher shall constitute the Ninth district, and be entitled to one Senator.

The County of Silver Bow shall constitute the Tenth district, and be entitled to one Senator.

HeinOnline -- 1891 19 1891

The County of Custer shall constitute the Eleventh district, and be entitled to one Senator.

The County of Yellowstone shall constitute the Twelfth district, and be entitled to one Senator.

The County of Dawson shall constitute the Thirteenth district, and be entitled to one Senator.

The County of Fergus shall constitute the Fourteenth district, and be entitled to one Senator.

The County of Park shall constitute the Fifteenth district, and be entitled to one Senator.

The County of Cascade shall constitute the Sixteenth district, and be entitled to one Senator.

SEC. 6. Until an apportionment of Representatives be made in accordance with the provisions of this Article, they shall be divided among the several counties of the State in the following manner:

The County of Beaverhead shall have two (2).
The County of Madison shall have two (2).
The County of Gallatin shall have two (2).
The County of Jefferson shall have three (3).
The County of Deer Lodge shall have seven (7).
The County of Missoula shall have five (5).
The County of Lewis and Clarke shall have eight (8).
The County of Choteau shall have two (2).
The County of Meagher shall have two (2).
The County of Silver Bow shall have ten (10).
The County of Custer shall have two (2).
The County of Yellowstone shall have one (1).
The County of Fergus shall have two (2).
The County of Park shall have two (2).
The County of Cascade shall have two (2).

The Counties of Dawson and Cascade shall have one (1) jointly.

The Counties of Deer Lodge and Beaverhead shall have one (1) jointly.

The Counties of Jefferson and Gallatin shall have one (1) jointly.

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ARTICLE VII.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, State Auditor and Superintendent of Public Instruction, each of whom shall hold his office for four years, or until his successor is elected and qualified, beginning on the first Monday of January next succeeding his election, except that the terms of office of those who are elected at the first election shall begin when the State shall be admitted into the Union, and shall end on the first Monday of January A. D. 1893. The officers of the executive department, excepting the Lieutenant Governor, shall during their terms of office reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed in this Constitution and by the laws of the State. The State Treasurer shall not be eligible to his office for the succeeding term.

SEC. 2. The officers provided for in section 1 of this article, shall be elected by the qualified electors of the State at the time and place of voting for members of the Legislative Assembly, and the persons, respectively, having the highest number of votes for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the Legislative Assembly, at its next regular session, shall forthwith, by joint ballot, elect one of such persons for said office. The returns of election for the officers named in section 1 shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this section, shall be determined as may be prescribed by law.

SEC. 3. No person shall be eligible to the office of Governor, Lieutenant Governor, or Superintendent of Public Instruction, unless he shall have attained the age of thirty years at the time of his election, nor to the office of Secretary of State,

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State Auditor, or State Treasurer. unless he shall have attained the age of twenty-five years, nor to the office of Attorney General unless he shall have attained the age of thirty years, and have been admitted to practice in the Supreme Court of the State, or Territory of Montana, and be in good standing at the time of his election. In addition to the qualifications above prescribed, each of the officers named shall be a citizen of the United States, and have resided within the State or Territory two years next preceding his election.

SEC. 4. Until otherwise provided by law, the Governor, Secretary of State, State Auditor, Treasurer, Attorney General and Superintendent of Public Instruction, shall quarterly as due, during their continuance in office, receive for their services compensation, which is fixed as follows:

Governor, five thousand dollars per annum;
Secretary of State, three thousand dollars per annum;
Attorney General, three thousand dollars per annum;
State Treasurer, three thousand dollars per annum;
State Auditor, three thousand dollars per annum;
Superintendent of Public Instruction, two thousand five hundred dollars per annum.

The Lieutenant-Governor shall receive the same per diem as may be prescribed by law, for the Speaker of the Legislative Assembly, to be allowed only during the sessions of the Legislative Assembly.

The compensations enumerated shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office, and the salary of no official shall be increased during his term of office. No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by any officer of any official duty, shall be collected in advance, and deposited with the State Treasurer quarterly to the credit of the State. No officer mentioned in this Section shall be eligible to or hold any other public office, except member of the State Board of Education during his term of office.

HeinOnline -- 1891 22 1891

SEC. 5. The supreme executive power of the State shall be vested in the Governor, who shall see that the laws are faithfully executed.

SEC. 6. The Governor shall be Commander-in-Chief of the militia forces of the State, except when these forces are in the actual service of the United States, and shall have power to call out any part or the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion.

SEC. 7. The Governor shall nominate, and by and with the consent of the Senate, appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the Senate a vacancy occur in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of Secretary of State, State Auditor, State Treasurer, Attorney General or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified.

SEC. 8. The Legislative Assembly shall provide for a State Examiner, who shall be appointed by the Governor and confirmed by the Senate. His duty shall be to examine the accounts of State Treasurer, Supreme Court Clerks, District Court Clerks, and all County Treasurers, and Treasurers of such other public institutions as may be prescribed by law, and he shall perform such other duties as the Legislative Assembly may prescribe. He shall report at least once a year and oftener if required to such officers as may be designated by the Legislative Assembly. His compensation shall be fixed by law.

SEC. 9. The Governor shall have the power to grant pardons, absolute or conditional, and to remit fines and forfeitures, and to grant commutation of punishments and respites after conviction and judgment for any offenses committed against

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the criminal laws of the State; *Provided, however*, That before granting pardons, remitting fines and forfeitures, or commuting punishments, the action of the Governor concerning the same shall be approved by a Board, or a majority thereof, composed of the Secretary of State, Attorney General and State Auditor, who shall be known as the Board of Pardons. The Legislative Assembly shall by law prescribe the sessions of said Board, and regulate the proceedings thereof. But no fine or forfeiture shall be remitted, and no commutation or pardon granted, except upon the approval of a majority of said Board after a full hearing in open session and until notice of the time and place of such hearing, and of the relief sought, shall have been given by publication in some newspaper of general circulation in the county where the crime was committed, at least once a week for two weeks. The proceedings and decisions of the Board shall be reduced to writing, and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by them, and filed, with all papers used upon the hearing, in the office of the Secretary of State. The Governor shall communicate to the Legislative Assembly, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon or reprieve, with the reasons for granting the same, and the objections, if any, of any member of the Board made thereto.

SEC. 10. The Governor may require information in writing from the officers of the Executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing, at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions, and may, at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution. The Governor shall at the beginning of each session, and

HeinOnline -- 1891 24 1891

from time to time, by message, give to the Legislative Assembly information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the Legislative Assembly a statement, with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also at the beginning of each session present estimates of the amount of money required to be raised by taxation for all purposes of the State.

SEC. 11. He may on extraordinary occasions convene the Legislative Assembly by proclamation, stating the purposes for which it is convened, but when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, or which may be recommended by the Governor, but may provide for the expenses of the session and other matters incidental thereto. He may also, by proclamation, convene the Senate in extraordinary session for the transaction of executive business.

SEC. 12. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law, but if he do not approve, he shall return it, with his objections to the House in which it originated, which House shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, in that House, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it, unless the Legislative Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law, without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislative Assembly unless approved by the Governor within fifteen days after such adjournment. In case the Governor shall fail to approve of any bill

HeinOnline -- 1891 25 1891

after the final adjournment of the Legislative Assembly it shall be filed, with his objections, in the office of the Secretary of State.

SEC. 13. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law, and the item or items disapproved shall be void, unless enacted in the manner following: If the Legislative Assembly be in session he shall, within five days, transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 14. In case of the failure to qualify, the impeachment or conviction of felony or infamous crime of the Governor, or his death, removal from office, resignation, absence from the State or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office, for the residue of the term, or until the disability shall cease, shall devolve upon the Lieutenant-Governor.

SEC. 15. The Lieutenant-Governor shall be President of the Senate, but shall vote only when the Senate is equally divided. In case of the absence or disqualification of the Lieutenant-Governor, from any cause which applies to the Governor, or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant-Governor until the vacancy is filled or the disability removed.

SEC. 16. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony or infamous crime, or disqualification from any cause, of both the Governor and Lieutenant-Governor, the duties of the Governor shall devolve upon the President pro tempore of the Senate, until such disqualification of either the Governor or Lieutenant-Governor be removed, or the vacancy filled, and if the President pro tempore of the Senate, for any of the above

HeinOnline -- 1891 26 1891

named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

SEC. 17. The first Legislative Assembly shall provide a seal for the State, which shall be kept by the Secretary of State, and used by him officially, and known as The Great Seal of the State of Montana.

SEC. 18. All grants and commissions shall be in the name and by the authority of the State of Montana, sealed with The Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 19. An account shall be kept by the officers of the Executive Department, and of all public institutions of the State, of all moneys received by them, severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor, under oath; they shall also, at least twenty days preceding each regular session of the Legislative Assembly, make full and complete reports of their official transactions to the Governor, who shall transmit the same to the Legislative Assembly.

SEC. 20. The Governor, Secretary of State and Attorney General shall constitute a Board of State Prison Commissioners, which board shall have such supervision of all matters connected with the State Prisons as may be prescribed by law. They shall constitute a Board of Examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claims against the State except for salaries and compensation of officers fixed by law, shall be passed upon by the Legislative Assembly without first having been considered and acted upon by said board. The Legislative Assembly may provide for the temporary suspension of the State Treasurer by the Governor, when the Board of Examiners deems such action necessary for the protection of the moneys of the State.

HeinOnline -- 1891 27 1891

ARTICLE VIII.

JUDICIAL DEPARTMENTS.

SECTION 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme Court, District Courts, Justices of the Peace, and such other inferior courts as the Legislative Assembly may establish in any incorporated city or town.

SUPREME COURT.

SEC. 2. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general supervisory control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC. 3. The appellate jurisdiction of the Supreme Court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said Court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo-warranto, certiorari, prohibition and injunction, and such other original and remedial writs as may be necessary or proper to the complete exercise of its appellate jurisdiction. When a jury is required in the Supreme Court to determine an issue of fact, said Court shall have power to summon such jury in such manner as may be provided by law. Each of the Justices of the Supreme Court shall have power to issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court of the State or any Judge thereof; and such writs may be heard and determined by the Justice, or Court, or Judge, before whom they are made returnable. Each of the Justices of the Supreme Court may also issue and hear and determine writs of certiorari in proceedings for contempt in the District Court, and such other writs as he may be authorized by law to issue.

HeinOnline -- 1891 28 1891

SEC 4. At least three terms of the Supreme Court shall be held each year at the seat of government.

SEC 5. The Supreme Court shall consist of three Justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said Justices may adjourn the court from day to day, or to a day certain, and the Legislative Assembly shall have the power to increase the number of such Justices to not less nor more than five.

SEC. 6. The Justices of the Supreme Court shall be elected by the electors of the State at large, as hereinafter provided.

SEC. 7. The term of office of the Justices of the Supreme Court, except as in this Constitution otherwise provided, shall be six years.

SEC. 8. There shall be elected at the first general election, provided for by this Constitution, one Chief Justice, and two Associate Justices of the Supreme Court. At said first election the Chief Justice shall be elected to hold his office until the general election in the year one thousand eight hundred ninety-two (1892), and one of the Associate Justices to hold his office until the general election in the year one thousand eight hundred ninety-four (1894), and the other Associate Justice to hold his office until the general election in the year one thousand eight hundred ninety-six (1896), and each shall hold until his successor is elected and qualified. The terms of office of said Justices, and which one shall be Chief Justice, shall at the first and all subsequent elections be designated by ballot. After said first election one Chief Justice or one Associate Justice shall be elected at the general election every two years, commencing in the year one thousand eight hundred ninety-two (1892), and if the Legislative Assembly shall increase the number of Justices to five, the first terms of office of such additional Justices shall be fixed by law in such manner that at least one of the five Justices shall be elected every two years. The Chief Justice shall preside at all sessions of the Supreme Court, and in case of his absence, the Associate Justice having the shortest term to serve shall preside in his stead.

HeinOnline -- 1891 29 1891

SEC. 9. There shall be a Clerk of the Supreme Court, who shall hold his office for the term of six years, except that the Clerk first elected shall hold his office only until the general election in the year one thousand eight hundred ninety-two (1892), and until his successor is elected and qualified. He shall be elected by the electors at large, of the State, and his compensation shall be fixed by law, and his duties prescribed by law, and by the rules of the Supreme Court.

SEC. 10. No person shall be eligible to the office of Justice of the Supreme Court unless he shall have been admitted to practice law in the Supreme Court of the Territory or State of Montana, to be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in said Territory or State at least two years next preceding his election.

DISTRICT COURTS.

SEC. 11. The District Courts shall have original jurisdiction in all cases at law, and in equity, including all cases which involve the title or right of possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all cases in which the debt, damage, claim or demand, exclusive of interest, or the value of the property in controversy exceeds fifty dollars; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and unlawful detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of actions of divorce and for annullment of marriage, and for all such special actions and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor, in all cases where they are authorized so to do by the laws of the United States. They shall have appellate jurisdiction in such cases arising in justices and other inferior courts in their respective districts as may be prescribed by law, and consistent with this Constitution. Their process shall extend to all parts of the State, provided that all actions for the recovery of, the possession of, quieting the title to, or for the enforcement of liens upon

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real property, shall be commenced in the county in which the real property, or any part thereof, affected by such action or actions, is situated. Said courts and the judges thereof shall have power, also to issue, hear and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction and other original and remedial writs, and also all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and non-judicial days.

SEC. 12. The State shall be divided into Judicial Districts, in each of which there shall be elected by the electors thereof one Judge of the District Court, whose term of office shall be four years, except that the District Judges first elected shall hold their offices only until the general election in the year one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified. Any Judge of the District Court may hold court for any other District Judge, and shall do so when required by law.

SEC. 13. Until otherwise provided by law the Judicial Districts of the State shall be constituted as follows: First district, Lewis and Clarke county; Second district, Silver Bow county; Third district, Deer Lodge county; Fourth district, Missoula county; Fifth district, Beaverhead, Jefferson and Madison counties; Sixth district, Gallatin, Park and Meagher counties; Seventh district, Yellowstone, Custer and Dawson counties; Eighth district, Choteau, Cascade and Fergus counties.

SEC. 14. The Legislative Assembly may increase or decrease the number of Judges in any Judicial District, *provided*, that there shall be at least one Judge in any district established by law; and may divide the State, or any part thereof, into new districts, *provided*, that each be formed of compact territory and be bounded by county lines, but no changes in the number or boundaries or districts shall work a removal of any Judge from office during the term for which he has been elected or appointed.

SEC. 15. Writs of error and appeals shall be allowed from the decisions of the said District Courts to the Supreme Courts under such regulations as may be prescribed by law.

HeinOnline -- 1891 31 1891

SEC. 16. No person shall be eligible to the office of Judge of the District Court unless he be at least twenty-five years of age and a citizen of the United States, and shall have been admitted to practice law in the Supreme Court of the Territory or State of Montana, nor unless he shall have resided in this State or Territory at least one year next preceding his election. He need not be a resident of the district for which he is elected at the time of his election, but after his election he shall reside in the district for which he is elected during his term of office.

SEC. 17. The District Court in each county, which is a Judicial District by itself, shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the Judges of such districts shall fix the term of court, *provided*, that there shall be at least four terms a year held in each county.

SEC. 18. There shall be a Clerk of the District Court in each county, who shall be elected by the electors of his county. The Clerk shall be elected at the same time and for the same term as the District Judge. The duties and compensation of the said Clerk shall be as provided by law.

COUNTY ATTORNEYS.

SEC. 19. There shall be elected at the general election in each county of the State one County Attorney, whose qualifications shall be the same as are required for a Judge of the District Court, except that he must be over twenty-one years of age, but need not be twenty-five years of age, and whose term of office shall be two years, except that the County Attorneys first elected shall hold their offices until the general election in the year one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified. He shall have a salary to be fixed by law, one-half of which shall be paid by the State, and the other half by the county for which he is elected, and he shall perform such duties as may be required by law.

HeinOnline -- 1891 32 1891

JUSTICES OF THE PEACE.

SEC. 20. There shall be elected in each organized township of each county by the electors of such township at least two Justices of the Peace, who shall hold their offices, except as otherwise provided in this Constitution, for the term of two years. Justices Courts shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this Constitution otherwise provided; *Provided*, That they shall not have jurisdiction in any case where the debt, damage, claim, or value of the property involved exceeds the sum of three hundred dollars.

SEC. 21. Justices Courts shall not have jurisdiction in any case involving the title or right of possession of real property, nor in cases of divorce, nor for annullment of marriage, nor of cases in equity; nor shall they have power to issue writs of habeas corpus, mandamus, certoriari, quo warranto, injunction, or prohibition, nor the power of naturalization; nor shall they have jurisdiction in cases of felony, except as examining courts; nor shall criminal cases in said courts be prosecuted by indictment; but said courts shall have such jurisdiction in criminal matters, not of the grade of felony, as may be provided by law; and shall also have concurrent jurisdiction with the District Courts, in cases of forcible entry and unlawful detainer.

SEC. 22. Justices Courts shall always be open for the transaction of business, except on legal holidays and non-judicial days.

SEC. 23. Appeals shall be allowed from Justices Courts, in all cases, to the District Courts, in such manner and under such regulations as may be prescribed by law.

POLICE AND MUNICIPAL COURTS.

SEC. 24. The Legislative Assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary

HeinOnline -- 1891 33 1891

from time to time, who shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.

MISCELLANEOUS PROVISIONS.

SEC. 25. The Supreme and District Courts shall be courts of record.

SEC. 26. All laws relating to courts shall be general, and of uniform operation throughout the State; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, shall be uniform.

SEC. 27. The style of all process shall be "The State of Montana" and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 28. There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 29. The Justices of the Supreme Court and the Judges of the District Courts shall each be paid quarterly by the State a salary, which shall not be increased or diminished during the terms for which they shall have been respectively elected. Until otherwise provided by law, the salary of the Justices of the Supreme Court shall be four thousand dollars per annum each, and the salary of the Judges of the District Courts shall be three thousand five hundred dollars per annum each.

SEC. 30. No Justice of the Supreme Court nor Judge of the District Court shall accept or receive any compensation, fee, allowance, mileage, perquisite or emolument for or on account of his office in any form whatever, except the salary provided by law.

SEC. 31. No Justice or Clerk of the Supreme Court, nor Judge or Clerk of any District Court shall act or practice as an attorney or counsellor at law in any court of this State during his contiuuance in office.

SEC. 32. The Legislative Assembly may provide for the publication of decisions and opinions of the Supreme Court.

HeinOnline -- 1891 34 1891

SEC. 33. All officers provided for in this article, excepting Justices of the Supreme Court, who shall reside within the State, shall respectively reside during their term of office in the district, county, township, precinct, city or town for which they may be elected or appointed.

SEC. 34. Vacancies in the office of Justice of the Supreme Court, or Judge of the District Court or Clerk of the Supreme Court, shall be filled by appointment by the Governor of the State, and vacancies in the offices of County Attorneys, Clerk of the District Court, and Justices of the Peace, shall be filled by appointment by the Board of County Commissioners of the county where such vacancy occurs. A person appointed to fill any such vacancy shall hold his office until the next general election, and until his successor is elected and qualified. A person elected to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.

SEC. 35. No Justice of the Supreme Court or District Judge shall hold any other public office while he remains in the office to which he has been elected or appointed.

SEC. 36. A civil action in the District Court may be tried by a judge *pro tempore*, who must be a member of the bar of the State, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the Court, and sworn to try the cause; and in such case any order, judgment or decree, made or rendered therein by such judge *pro tempore*, shall have the same force and effect as if made or rendered by the Court with the regular judge presiding.

SEC. 37. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office.

HeinOnline -- 1891 35 1891

ARTICLE IX.

RIGHTS OF SUFFRAGE AND QUALIFICATIONS TO HOLD OFFICE.

SECTION 1. All elections by the people shall be by ballot.

SEC. 2. Every male person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First, he shall be a citizen of the United States; second, he shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law; *Provided*, first, that no person convicted of felony shall have the right to vote unless he has been pardoned; *Provided*, second, that nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this Constitution; *Provided*, that after the expiration of five years from the time of the adoption of this Constitution no person except citizens of the United States shall have the right to vote.

SEC. 3. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the State, or of the United States, nor while engaged in the navigation of the waters of the State, or of the United States, nor while a student at any institution of learning, nor while kept at any alms-house or other asylum at the public expense, nor while confined in any public prison.

SEC. 4. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom.

SEC. 5. No elector shall be obliged to perform military duty on the days of election, except in time of war or public danger.

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SEC. 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed at any military or naval place within the same.

SEC. 7. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State at least one year next before his election or appointment.

SEC. 8. No idiot or insane person shall be entitled to vote at any election in this State.

SEC. 9. The Legislative Assembly shall have the power to pass a registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise.

SEC. 10. Women shall be eligible to hold the office of County Superintendent of Schools or any school district office and shall have the right to vote at any school district election.

SEC. 11. Any person qualified to vote at general elections and for State officers in this State shall be eligible to any office therein except as otherwise provided in this Constitution, and subject to such additional qualifications as may be prescribed by the Legislative Assembly for city offices and offices hereafter created.

SEC. 12. Upon all questions submitted to the vote of the taxpayers of the State, or any political division thereof, women who are taxpayers and possessed of the qualifications for the right of suffrage required of men by this Constitution, shall equally, with men, have the right to vote.

SEC. 13. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of legal votes shall be declared elected.

HeinOnline -- 1891 37 1891

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, soldiers' home, and such other institutions as the public good may require, shall be established and supported by the State in such a manner as may be prescribed by law.

SEC. 2. At the general election in the year one thousand eight hundred and ninety-two, the question of permanent location of the seat of government is hereby provided to be submitted to the qualified electors of the State, and the majority of all the votes upon said question shall determine the location thereof. In case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be, and is hereby submitted in like manner, to the qualified electors at the next general election thereafter; *Provided*, that until the seat of government shall have been permanently located the temporary seat of government shall be and remain at the city of Helena.

SEC. 3. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the State voting on that question at a general election at which the question of the location of the seat of government shall have been submitted by the Legislative Assembly.

SEC. 4. The Legislative Assembly shall make no appropriations or expenditures for capital buildings or grounds until the seat of government shall have been permanently located, as herein provided.

SEC. 5. The several counties of the State shall provide as may be prescribed by law for those inhabitants, who, by reason of age, infirmity or misfortune, may have claims upon the sympathy and aid of society.

HeinOnline -- 1891 38 1891

ARTICLE XI.

EDUCATION.

SECTION. 1. It shall be the duty of the Legislative Assembly of Montana to establish and maintain a general, uniform and thorough system of public free common schools.

SEC. 2. The public school fund of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the State by the general government, known as school lands; and those granted in lieu of such; lands acquired by gift or grant from any person or corporation, under any law or grant of the general government; and of all other grants of land or money made to the State from the general government for general educational purposes, or where no other special purpose is indicated in such grant; all estates, or distributive shares of estates that may escheat to the State; all unclaimed shares and dividends of any corporation incorporated under the laws of the State, and all other grants, gifts, devises or bequests made to the State for general educational purposes.

SEC. 3. Such public school fund shall forever remain inviolate, guaranteed by the State against loss or diversion, to be invested, so far as possible, in public securities within the State, including school district bonds, issued for the erection of school buildings, under the restrictions to be provided by law.

SEC. 4. The Governor, Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute the State Board of Land Commissioners, which shall have the direction, control, leasing and sale of the school lands of the State, and the lands granted or which may hereafter be granted for the support and benefit of the various State educational institutions, under such regulations and restrictions as may be prescribed by law.

SEC. 5. The interest on all invested school funds of the State, and all rents accruing from the leasing of any school lands, shall be apportioned to the several school districts of the

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State in proportion to the number of children and youths between the ages of six and twenty-one years, residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least three months during the year for which distributions shall be made.

SEC. 6. It shall be the duty of the Legislative Assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free, common school in each organized district in the State, for at least three months in each year.

SEC. 7. The public free schools of the State shall be open to all children and youths between the ages of six and twenty-one years.

SEC. 8. Neither the Legislative Assembly, nor any county, city, town, or school district, or other public corporations, shall ever make, directly or indirectly, any appropriations, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever.

SEC. 9. No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student; nor shall attendance be required at any religious service whatever, nor shall any sectarian tenets be taught in any public educational institution of the State; nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex.

SEC. 10. The Legislative Assembly shall provide that all elections for school district officers shall be separate from those elections at which State or county officers are voted for.

SEC. 11. The general control and supervision of the State University and the various other State educational institutions shall be vested in a State Board of Education, whose powers and duties shall be prescribed and regulated by law. The said board

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shall consist of eleven members, the Governor, State Superintendent of Public Instruction, and Attorney General, being members ex officio, the other eight members thereof shall be appointed by the Governor, subject to the confirmation of the Senate, under the regulations and restrictions to be provided by law.

SEC. 12. The funds of the State University and of all other State institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as may be prescribed by law, and shall be guaranteed by the State against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties shall be devoted to the maintenance and perpetuation of these respective institutions.

ARTICLE XII.

REVENUE AND TAXATION.

SECTION 1. The necessary revenue for the support and maintenance of the State shall be provided by the Legislative Assembly, which shall levy a uniform rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, except that specially provided for in this article. The Legislative Assembly may also impose a license tax, both upon persons and upon corporations doing business in the State.

SEC. 2. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations, and public libraries shall be exempt from taxation, and such other property as may be used exclusively for agricultural and horti-

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cultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity may be exempt from taxation.

SEC. 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal, or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims shall be taxed as provided by law.

SEC. 4. The Legislative Assembly shall not levy taxes upon the inhabitants or property in any county, city, town, or municipal corporation for county, town, or municipal purposes, but it may by law vest in the corporate authorities thereof powers to assess and collect taxes for such purposes.

SEC. 5. Taxes for city, town and school purposes may be levied on all subjects and objects of taxation, but the assessed valuation of any property shall not exceed the valuation of the same property for State and county purposes.

SEC. 6. No county, city, town or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of State taxes.

SEC. 7. The power to tax corporations or corporate properties shall never be relinquished or suspended, and all corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes, on real and personal property owned or used by them and not by this Constitution exempted from taxation.

HeinOnline -- 1891 42 1891

SEC. 8. Private property shall not be taken or sold for the corporate debts of public corporations, but the Legislative Assembly may provide by law for the funding thereof, and shall prcvide by law for the payment thereof, including all funded debts and obligations, by assessment and taxation of all private property not exempt from taxation within the limits of the territory over which such corporations respectively have authority.

SEC. 9. The rate of taxation of real and personal property for State purposes in any one year shall never exceed three (3) mills on each dollar of valuation; and whenever the taxable property in the State shall amount to one hundred million dollars ($100,000,000), the rate shall not exceed two and one-half (2½) mills on each dollar of valuation; and whenever the taxable property in the State shall amount to three hundred million dollars ($300,000,000) the rate shall never thereafter exceed one and one-half (1½) mills on each dollar of valuation; unless a proposition to increase such rate specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

SEC. 10. All taxes levied for State purposes shall be paid into the State Treasury, and no money shall be drawn from the treasury but in pursuance of specific appropriations made by law.

SEC. 11. Taxes shall be levied and collected by general laws and for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

SEC. 12. No appropriation shall be made nor any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation, shall provide for levying a sufficicient tax, not exceeding the rate allowed in section nine (9)

HeinOnline -- 1891 43 1891

of this article, to pay such appropriations or expenditures within such fiscal year. This provision shall not apply to appropriation or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war. No appropriation of public moneys shall be made for a longer term than two years.

SEC. 13. The State treasurer shall keep a separate account of each fund in his hands, and shall at the end of each quarter of the fiscal year report to the Governor in writing under oath, the amount of all moneys in his hands to the credit of every such fund, and the place or places where the same is kept or deposited, and the number and amount of every warrant paid or redeemed by him during the quarter. The Governor, or other person or persons authorized by law shall verify said report and cause the same to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the Legislative Assembly may require. The Legislative Assembly may provide by law further regulations for the safe keeping and management of the public funds in the hands of the Treasurer; but, notwithstanding any such regulations, the Treasurer and his sureties shall in all cases, be held responsible therefor.

SEC. 14. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony and shall be punished as provided by law; but part of such punishment shall be disqualification to hold public office.

SEC. 15. The Governor, Secretary of State, State Treasurer, State Auditor and Attorney General shall constitute a State Board of Equalization; and the Board of County Commissioners of each county shall constitute a County Board of Equalization. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the taxable property among the several counties of the State. The duty of the County Boards of Equalization shall be to adjust and equalize the valuation of taxable property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

HeinOnline -- 1891 44 1891

SEC. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this Constitution. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this State, shall be assessed by the State Board of Equalization, and the same shall be apportioned to the counties, cities, towns, townships and school districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts.

SEC. 17. The word property as used in this article is hereby declared to include moneys, credits, bonds, stocks, franchises and all matters and things (real, personal and mixed) capable of private ownership; but this shall not be construed so as to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation, represented by such stocks, is within the State and has been taxed.

SEC. 18. The Legislative Assembly shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the State, nor any county, city, town, municipality, nor other subdivision of the State shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or a joint owner with any person, company or corporation, except as to such ownership as may accrue to the State by operation or provision of law.

SEC. 2. The Legislative Assembly shall not in any manner create any debt except by law which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purpose to which the

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funds so raised shall be applied and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by such law for the payment thereof; but no debt or liability shall be created which shall singly, or in the aggregate with any existing debt or liability, exceed the sum of one hundred thousand dollars ($100,000) except in case of war, to repel invasion or surpress insurrection, unless the law authorizing the same shall have been submitted to the people at a general election and shall have received a majority of the votes cast for and against it at such election.

SEC. 3. All moneys borrowed by, or in behalf of the State or any county, city, town, municipality or other subdivision of the State, shall be used only for the purpose specified in the law authorizing the loan.

SEC. 4. The State shall not assume the debt, or any part thereof, of any county, city, town or municipal corporation.

SEC. 5. No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five (5) per centum of the (value of the) taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by, or on behalf of such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding ten thousand dollars ($10,000) without the approval of the majority of the electors thereof, voting at an election to be provided by law.

SEC. 6. No city, town, township or school district shall be allowed to become indebted in any manner, or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding three (3) per centum of the value of the taxable property therein, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness, and all bonds and obligations in excess of such amount given by, or on behalf of, such city, town, township or school district shall be void; *Provided, however*, that the Legislative Assembly may extend the limit mentioned in this section, by authorizing

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municipal corporations to submit the question to a vote of the tax-payers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own or control said water supply and devote the revenues derived therefrom to the payment of the debt.

ARTICLE XIV.

MILITARY AFFAIRS.

SECTION 1. The militia of the State of Montana shall consist of all able-bodied male citizens of the State between the ages of eighteen (18) and forty-five (45) years inclusive, except such persons as may be exempted by the laws of the State or of the United States.

SEC. 2. The Legislative Assembly shall provide by law for the organization, equipment, and discipline of the militia, and shall make rules and regulations for the government of the same. The organization shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. The Legislative Assembly shall provide by law for maintaining the militia by appropriations from the treasury of the State.

SEC. 4. The Legislative Assembly shall provide by law for the safe keeping of the public arms, military records, relics and banners of the State,

SEC. 5. When the Governor shall, with the consent of the Legislative Assembly, be out of the State in time of war at the head of any military force thereof, he shall continue commander-in-chief of all the military forces of the State.

HeinOnline -- 1891 47 1891

ARTICLE XV.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized or commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations, as are, or may be under the control of the State; but the Legislative Assembly shall provide by general law for the organization of corporations hereafter to be created; *Provided*, That any such laws shall be subject to future repeal or alterations by the Legislative Assembly.

SEC. 3. The Legislative Assembly shall have the power to alter, revoke or annul any charter of incorporation existing at the time of the adoption of this Constitution, or which may be hereafter incorporated, whenever in its opinion it may be injurious to the citizens of the State.

SEC. 4. The Legislative Assembly shall provide by law that in all elections for directors or trustees of incorporated companies, every stockholder shall have the right to vote in person or by proxy the number of shares of stock owned by him for as many persons as there are directors or trustees to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors or trustees shall not be elected in any other manner.

SEC. 5. All railroads shall be public highways, and all railroad, transportation and express companies shall be common carriers and subject to Legislative control, and the Legislative

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Assembly shall have the power to regulate and control by law the rates of charges for the transportation of passengers and freight by such companies as common carriers from one point to another in the State. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any designated point within this State, and to connect at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad.

SEC. 6. No railroad corporation, express, or other transportation company, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation, express, or other transportation company owning or having under its control a parallel or competing line; neither shall it in any manner unite its business or earnings with the business or earnings of any other railroad corporation; nor shall any officer of such railroad, express, or other transportation company act as an officer of any other railroad, express, or other transportation company owning or having control of a parallel or competing line.

SEC. 7. All individuals, associations, and corporations shall have equal rights to have persons or property transported on and over any railroad, transportation or express route in this State. No discrimination in charges, or facilities for transportation of freight or passengers of the same class, shall be made by any railroad, or transportation, or express company, between persons or places within this State; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad, or transportation, or express company, shall be allowed to charge, collect, or receive, under penalties which the Legislative Assembly shall prescribe, any greater charge or toll for the transportation of freight, or passengers, to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this State. No railroad, express, or transportation company, nor any lessee, manager, or

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other employe thereof, shall give any preference to any individual, association, or corporation, in furnishing cars or motive power or for the transportation of money, or other express matter.

SEC. 8. No railroad, express, or other transportation company, in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

SEC. 9. The right of eminent domain shall never be abridged, nor so construed as to prevent the Legislative Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the police powers of the State shall never be abridged, or so construed, as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the State.

SEC. 10. No corporation shall issue stocks or bonds, except for labor done, services performed, or money and property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

SEC. 11. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served. And no company or corporation formed under the laws of any other country, State, or Territory, shall have or be allowed to exercise or enjoy within this State, any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of the State.

SEC. 12. No street or other railroad shall be constructed within any city or town without the consent of the local authorities having control of the street or highway proposed to be occupied by such street or other railroad.

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SEC. 13. The Legislative Assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already passed.

SEC. 14. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct or maintain lines of telegraph or telephone within this State, and connect the same with other lines; and the Legislative Assembly shall by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in, the stock or bonds of any other telegraph or telephone company owning or having the control of a competing line, or acquired by purchase or otherwise, any other competing line of telegraph or telephone.

SEC. 15. If any railroad, telegraph, telephone, express, or other corporation or company organized under any of the laws of this State, shall consolidate, by sale or otherwise, with any railroad, telegraph, telephone, express, or other corporation, organized under any of the laws of any other State or Territory, of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the states, in all matters that may arise as if said consolidation had not taken place.

SEC. 16. It shall be unlawful for any person, company, or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such persons, company, or corporation, shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company, or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof; and such contracts shall be absolutely null and void.

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SEC. 17. The Legislative Assembly shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 18. The term "corporation," as used in this article, shall be held and construed to include all associations and joint stock companies having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue, and shall be subject to be sued in all courts in like cases as natural persons, subject to such regulations and conditions as may be prescribed by law.

SEC. 19. Dues from private corporations shall be secured by such means as may be prescribed by law.

SEC. 20. No incorporation, stock company, person, or association of persons in the State of Montana, shall, directly or indirectly, combine or form what is known as a trust, or make any contract with any person or persons, corporations, or stock company, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The Legislative Assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of the forfeiture of their property and franchises, or in case of foreign corporations prohibiting them from carrying on business in the State.

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ARTICLE XVI.

MUNICIPAL CORPORATIONS AND OFFICERS

SECTION 1. The several counties of the Territory of Montana, as they shall exist at the time of the admission of the State into the Union, are hereby declared to be the counties of the State until otherwise established or changed by law.

SEC. 2. The Legislative Assembly shall have no power to remove the county seat of any county, but the same shall be provided for by general law; and no county seat shall be removed, unless a majority of the qualified electors of the county, at a general election on a proposition to remove the county seat, shall vote therefor; but no such proposition shall be submitted oftener than once in four years.

SEC. 3. In all cases of the establishment of a new county, it shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which it is formed, less the ratable proportion of the value of the county buildings and property of the county or counties from which it is formed; *Provided*, That nothing in this section shall prevent the re-adjustment of county lines between existing counties.

SEC. 4. In each county there shall be elected three county commissioners, whose term of office shall be four years. A vacancy in the Board of County Commissioners shall be filled by appointment by the District Judge of the district in which the vacancy occurs.

SEC. 5. There shall be elected in each county the following officers: One County Clerk, who shall be Clerk of the Board of County Commissioners and ex-officio recorder; one Sheriff; one Treasurer, who shall be collector of taxes; *Provided*, That no person shall hold the office of County Treasurer for more than two consecutive terms; one County Superintendent of Schools; one County Surveyor; one Assessor; one Coroner;

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one Public Administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of two years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of County Commissioners, shall be filled by appointment by the Board of County Commissioners, and the appointee shall hold his office until the next general election.

SEC. 6. The Legislative Assembly may provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require, and their terms of office shall be as prescribed by law, not in any case to exceed two years, except as in this Constitution otherwise provided.

ARTICLE XVII.

PUBLIC LANDS.

SECTION 1. All lands of the State that have been, or that may hereafter be granted to the State by Congress, and all lands acquired by gift, or grant, or devise, from any person or corporation, shall be public lands of the State, and shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised; and none of such land, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the State; nor shall any lands which the State holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the

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United States. Said lands shall be classified by the Board of Land Commissioners, as follows: First, lands which are valuable only for grazing purposes. Second, those which are principally valuable for the timber that is on them. Third, agricultural lands. Fourth, lands within the limits of any town, or city, or within three miles of such limits; *Provided*, That any of said lands may be re-classified whenever, by reason of increased facilities for irrigation or otherwise, they shall be subject to different classification.

SEC. 2. The lands of the first of said classes may be sold or leased, under such rules and regulations as may be prescribed by law. The lands of the second class may be sold, or the timber thereon may be sold, under such rules and regulations as may be prescribed by law. The agricultural lands may be either sold or leased, under such rules and regulations as may be prescribed by law. The land of the fourth class shall be sold in alternate lots of not more than five acres each, and not more than one-half of any one tract of such lands shall be sold prior to the year one thousand nine hundred and ten (1910).

SEC. 3. All other public lands may be disposed of in such manner as may be provided by law.

ARTICLE XVIII.

LABOR.

SECTION 1. The Legislative Assembly may provide for a bureau of agriculture, labor and industry, to be located at the capital, and be under the control of a commissioner appointed by the Governor, subject to the confirmation of the Senate. The commissioner shall hold his office for four years, and until his successor is appointed and qualified; his compensation shall be as provided by law.

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SEC. 2. It shall be unlawful for the warden or other officer of any State penitentiary or reformatory institution in the State of Montana, or for any State officer, to let by contract to any person or persons, or corporation, the labor of any convict confined within said institutions.

ARTICLE XIX.

MISCELLANEOUS SUBJECTS AND FUTURE AMENDMENTS.

SECTION 1. Members of the Legislative Assembly and all officers, executive, ministerial or judicial, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God." And no other oath, declaration or test shall be required as a qualification for any office or public trust.

SEC. 2. The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC. 3. The Legislative Assembly shall enact suitable laws to prevent the destruction by fire from any cause of the grasses

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and forests upon lands of the State, or upon lands of the public domain, the control of which may be conferred by Congress upon this State, and to otherwise protect the same.

SEC. 4. The Legislative Assembly shall enact liberal homestead and exemption laws.

SEC. 5. No perpetuities shall be allowed, except for charitable purposes.

SEC. 6. All county officers shall keep their offices at the county seats of their respective counties.

Sec. 7. In the disposition of the public lands granted by the United States to this State, preference shall always be given to actual settlers thereon, and the Legislative Assembly shall provide by law for carrying this section into effect.

SEC. 8. The Legislative Assembly may, at any time, by a vote of two-thirds of the members elected to each house, submit to the electors of the State the question whether there shall be a convention to revise, alter, or amend this Constitution; and if a majority of those voting on the question shall declare in favor of such convention, the Legislative Assembly shall, at its next session, provide for the calling thereof. The number of members of the convention shall be the same as that of the House of Representatives, and they shall be elected in the same manner, at the same places, and in the same districts. The Legislative Assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the Constitution of the United States and of the State of Montana, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the Legislative Assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or

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rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect.

SEC. 9. Amendments to this Constitution may be proposed in either house of the Legislative Assembly; and if the same shall be voted for by two-thirds of the members elected to each house, such proposed amendments, together with the ayes and nayes of each house thereon, shall be entered in full on their respective journals; and the Secretary of State shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for three months previous to the next general election for members to the Legislative Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of the Constitution. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise that each can be voted upon separately; *Provided*, however, That not more than three amendments to this Constitution shall be submitted at the same election.

ARTICLE XX.

SCHEDULE.

That no inconvenience may arise by reason of changing from a Territorial to a State form of government, it is declared as follows:

SECTION 1. All laws enacted by the Legislative Assembly of the Territory of Montana and in force at the time the State shall be admitted into the Union, and not inconsistent with this Constitution or the Constitution or laws of the United States of

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America, shall be and remain in full force as the laws of the State until altered or repealed, or until they expire by their own limitation; *Provided*, That whenever in said laws the words, "Territory," "Montana Territory," or "Territory of Montana," occur, the words "State," or "State of Montana," shall be appropriately substituted and read therefor; *And, provided further*, That the duties which now by law devolve upon Probate Judges as jury commissioners and in relation to issuing marriage licenses and filing and recording marriage certificates, and the duties as ex-officio Clerks of their own courts, shall, until otherwise provided by law, devolve upon and be performed by the Clerks of District Courts in their respective counties; *And, provided further*, That the duties of Probate Judges now imposed by law relative to town sites and to the approval of bonds of other county officers shall, until otherwise provided by law, be performed by the District Judges in the several counties in their respective districts.

SEC. 2. All lawful orders, judgments and decrees in civil causes, all contracts and claims and all lawful convictions, judgments and sentences in criminal actions, made and entered, or pronounced by the courts within the Territory of Montana, and in force at the time the State shall be admitted into the Union, shall continue and be and remain in full force in the State unaffected in any respect by the change from a Territorial to a State form of Government, and may be enforced and executed under the laws of the State.

SEC. 3. No crime or criminal offense committed against the laws of the Territory of Montana shall abate, or be in any wise affected, by reason of the change from a Territorial to a State form of government; but the same shall be deemed and taken to be an offense against the laws of the State, and the appropriate courts of the State shall have jurisdiction over and to hear and determine the same; *Provided*, That this section shall not in any wise be construed to change the law of the statute of limitations, or the due effect or application of the same.

SEC. 4. Except as herein otherwise provided, the word "district" shall be substituted and read in lieu of the word "probate" in the terms "probate court" or "probate judge"

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whenever the same occur in the laws of the Territory of Montana, and all said laws which, by their terms apply to Probate Courts or Probate Judges shall, except as in this Constitution otherwise provided, upon a change from Territorial to State government, be deemed and taken to apply to District Courts and District Judges; *Provided*, That all laws allowing fees to Probate Judges are hereby repealed.

SEC. 5. Clerks of District Courts, until otherwise provided by law, shall each perform the duties and be entitled to the same fees as now provided by law for Clerks of the District Courts of the Territory, and until otherwise provided by law shall also perform the services and be entitled to fees therefor that are now provided for Clerks of Probate Courts.

SEC. 6. Upon a change from Territorial to State government the seals in use by the Supreme Court and the Territorial District Courts in and for the several counties respectively, shall pass to and become, until otherwise provided by law, the seals respectively of the Supreme Court and of the District Courts of the State in such counties.

SEC. 7. Prosecutions for criminal offences against the laws of the Territory of Montana, pending at the time the State shall be admitted into the Union, shall not abate; but the same shall continue and be prosecuted in the name of the State of Montana, and the title of every such action shall be changed to conform to this provision.

SEC. 8. Parties who, at the time of the admission of the State into the Union, may be confined under lawful commitments, or otherwise lawfully held to answer for alleged violations of any of the criminal laws of the Territory of Montana, shall continue to be so confined or held until discharged therefrom by the proper courts of the State.

SEC. 9. All writs, processes, prosecutions, actions, causes of action, defenses, claims and rights of individuals, associations and bodies corporate existing at the time the State shall be admitted into the Union, shall continue and be respectively executed, proceeded with, determined, enforced and protected under the laws of the State.

HeinOnline -- 1891 60 1891

Sec. 10. All undertakings, bonds, obligations and recognizances in force at the time the State shall be admitted into the Union, which were executed to the Territory of Montana, or any officer thereof in his official capacity, or to any official board for the benefit of the Territory of Montana, are hereby respectfully assigned and transferred to the State of Montana, to the State officer successor to said Territorial officer, or to the official board successor to the aforesaid official board, for the use of the State, as the case may be, and shall be as valid and binding as if executed under State law to the State, or State officer in his official capacity, or official board, for the benefit of the State; and all fines, taxes, penalties and forfeitures due or owing to the Territory of Montana, or to any county, school district, or municipality therein, at the time the State shall be admitted into the Union, are hereby respectively assigned and transferred, and the same shall be payable to the State, county, school district, or municipality, as the case may be, and payment thereof may be enforced under the laws of the State.

Sec. 11. All property, real and personal, and all moneys, credits, claims, demands and choses in action of every kind, belonging to the Territory of Montana at the time the State shall be admitted into the Union, are hereby assigned and transferred to, and shall be vested in, and become the property of the State of Montana.

Sec. 12. All obligations of the Territory of Montana existing, in force and unpaid at the time of the admission of the State into the Union, are hereby assumed by the State, which shall and will well and truly pay the same.

Sec. 13. All matters, cases and proceedings pending in any Probate Court in the Territory of Montana, at the time the State shall be admitted into the Union, and all official records, files, moneys, and other property of, or pertaining to such court, are hereby transferred to the District Court in and for the same county, and such District Court shall have full power and jurisdiction to hear, determine and dispose of all such matters, cases and proceedings.

Sec. 14. All actions, cases and proceedings and matters which shall be pending in the Supreme and District Courts of

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Montana Territory, at the time of the admission of the State into the Union, whereof the United States Circuit or District Court might have had jurisdiction, had such court existed at the commencement of such actions, cases, proceedings and matters, respectively, shall be transferred to said United States Circuit and District Courts, respectively; and all the files, records, indictments and proceedings relating to such actions, cases, proceedings and matters shall be transferred to said United States Courts; *Provided*, That no civil action, cause, or proceeding to which the United States is not a party, shall be transferred to either of said United States Courts except upon written request of one of the parties thereto, and in the absence of such request, such cases shall be proceeded with in the proper State courts.

SEC. 15. All actions, cases, proceedings and matters pending in the Supreme and District Courts of the Territory of Montana, at the time the State shall be admitted into the Union, and all files, records and indictments relating thereto, except as otherwise provided herein, shall be appropriately transferred, as may be proper to the Supreme and District Courts of the State, respectively, and all such actions, cases, and matters shall be proceeded with in the proper State courts.

SEC. 16. Upon a change from a Territorial to a State government, and until otherwise provided by law, the Great Seal of the Territory shall deemed and taken to be the Great Seal of the State of Montana.

SEC. 17. All territorial, county and township officers now occupying their respective positions under the laws of the Territory of Montana, or of the United States of America, shall continue and remain in their respective official positions and perform the duties thereof as now provided by law after the State is admitted into the Union, and shall be considered State officers until their successors in office shall be duly elected and qualified, as provided by ordinance, notwithstanding any inconsistent provisions in this Constitution, and shall be entitled to the same compensation for their services as is now established by law; *Provided*, That the compensation for Justices of the Supreme Court; Governor and Secretary of the Territory shall be paid by the State of Montana.

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Done in open convention at the city of Helena in the Territory of Montana, this seventeenth day of August, in the year of our Lord, one thousand eight hundred and eighty nine.

WILLIAM A. CLARK, *President.*
E. D. AIKEN,
WALTER M. BICKFORD,
J. F. BRAZELTON,
PETER BREEN,
SIMEON R. BUFORD,
WILLIAM MASON BULLARD,
WALTER A. BURLEIGH,
ALEX F. BURNS,
ANDREW J. BURNS,
EDWARD BURNS,
JAMES E. CALLAWAY,
EDWARD CARDWELL,
B. PLATT CARPENTER,
MILTON CAUBY,
WILLIAM A. CHESSMAN,
TIMOTHY E. COLLINS,
CHARLES E. CONRAD,
WALTER COOPER,
THOMAS F. COURTNEY,
ARTHUR J. CRAVEN,
W. W. DIXON,
D. M. DURFEE,
WILLIAM DYER,
GEORGE O. EATON,
WILLIAM T. FIELD,
J. E. GAYLORD,
PARIS GIBSON,
WARREN C. GILLETTE,
O. F. GODDARD,
FIELDING L. GRAVES,
R. E. HAMMOND,
CHARLES S. HARTMAN,
HENRI J. HASKELL,
LUKE D. HATCH.
LEWIS H. HERSHFIELD,

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RICHARD O. HICKMAN,
S. S. HOBSON,
JOSEPH HOGAN,
THOMAS JOYES,
ALLEN R. JOY,
J. E. KANOUSE,
W. J. KENNEDY,
H. KNIPPENBERG,
HIRAM KNOWLES,
CONRAD KOHRS,
C. H. LOUD,
LLEWELLYN A. LUCE,
MARTIN MAGINNIS,
J. E. MARION,
CHARLES S. MARSHALL,
WM. MAYGER,
P. W. McADOW,
C. R. MIDDLETON,
SAMUEL MITCHELL,
WILLIAM MUTH,
ALFRED MYERS,
WILLIAM PARBERRY,
W. R. RAMSDELL,
G. J. REEK,
JOHN C. ROBINSON,
L. ROTWITT,
J. E. RICKARDS,
FRANCIS E. SARGEANT,
LEOPOLD F. SCHMIDT,
GEORGE W. STAPLETON,
JOSEPH K. TOOLE,
J. R. TOOLE,
CHARLES S. WARREN,
WILLIAM H. WATSON,
CHAS. M. WEBSTER,
H. R. WHITEHILL,
GEORGE B. WINSTON.
AARON C. WITTER,
DAVID G. BROWN.

ATTEST: WM. H. TODD, Chief Clerk.

HeinOnline -- 1891 64 1891

ORDINANCE NO. I.

FEDERAL RELATIONS.

BE IT ORDAINED: *First.* That perfect toleration of religious sentiment shall be secured and that no inhabitant of the State of Montana shall ever be molested in person or property, on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed State of Montana, do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States, residing without the said State of Montana, shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the said State of Montana on lands or property therein belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing herein contained shall preclude the said State of Montana from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said last named lands shall be exempt from taxation by said State of Montana so long and to such extent as such act of Congress may prescribe.

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Third. That the debts and liabilities of said Territory of Montana shall be assumed and paid by said State of Montana.

Fourth. That provision shall be made for the establishment and maintenance of a uniform system of public schools, which shall be open to all the children of said State of Montana and free from sectarian control.

Fifth. That on behalf of the people of Montana, we in convention assembled, do adopt the Constitution of the United States.

Sixth. That the Ordinances in this Article shall be irrevocable without the consent of the United States and the people of said State of Montana.

Seventh. The State hereby accepts the several grants of lands from the United States to the State of Montana, mentioned in an act of Congress, entitled: "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington, to form Constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States." Approved February 22d, 1889, upon the terms and conditions therein provided.

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ORDINANCE II.

ELECTIONS.

Be it Ordained by the Convention Assembled to Form a Constitution for the State of Montana:

First. That an election shall be held throughout the Territory of Montana on the first Tuesday of October, 1889, for the ratification or rejection of the Constitution framed and adopted by this Convention.

Second. At said election the Constitution framed and adopted by this convention shall be submitted to the people of the Territory for their ratification or rejection, and all persons who are then qualified electors under the laws of this Territory, shall be qualified to vote for the ratification or rejection thereof.

Third. Said elections shall be held at the several polling places and precincts throughout the Territory appointed for the holding of elections under the laws of the Territory, and shall be conducted in the manner prescribed by the laws of the Territory regulating elections. The Boards of County Commissioners of the several counties of the Territory shall appoint judges and clerks of such election in each of said polling places and precincts in the same manner as is now required by law for the appointment of judges and clerks of general elections in the Territory.

Fourth. Each elector voting at said election shall have written or printed upon the ticket he may deposit in the ballot box the words "For the Constitution" or "Against the Constitution."

Fifth. The votes cast at said election for the adoption or rejection of said Constitution shall be canvassed by the canvassing boards of the respective counties not later than fifteen days after said election, or sooner, if the returns from all of the precincts

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shall have been received and in the manner prescribed by the laws of the Territory of Montana for canvassing the votes at general elections in said Territory, and the returns of said election shall be made to the Secretary of the Territory, who, with the Governor, and the Chief Justice of the Territory, or any two of them, shall constitute a board of canvassers, who shall meet at the office of the Secretary of the Territory on, or before, the thirtieth day after the election, and canvass the votes so cast and declare the result.

Sixth. That on the first Tuesday in October, 1889, there shall be elected by the qualified electors of Montana, a Governor, a Lieutenant Governor, a Secretary of State, an Attorney General, a State Treasurer, a State Auditor, a State Superintendent of Public Instruction, one Chief Justice and two Associate Justices of the Supreme Court, a Judge for each of the judicial districts established by this Constitution, a Clerk of the Supreme Court, and a Clerk of the District Court in and for each county of the State, and the members of the Legislative Assembly provided for in this Constitution. The terms of officers so elected shall begin when the State shall be admitted into the Union and shall end on the first Monday in January, 1893, except as otherwise provided.

Seventh. There shall be elected at the same time one Representative in the Fifty-first Congress of the United States.

Eighth. The votes for the above officers shall be returned and canvassed as is provided by law, and returns shall be made to the Secretary of the Territory and canvassed in the same manner and by the same board as is the vote upon the Constitution, except as to the Clerk of District Court.

Ninth. There shall also be elected at the same time the following county and township officers: Three County Commissioners, one Clerk of the Board of County Commissioners, and *ex-officio* Recorder, one Sheriff, one County Treasurer, one County Superintendent of Common Schools, one County Surveyor, one County Assessor, one Coroner, one Public Administrator, one County Attorney, two Justices of the Peace, and two Constables for each township. The terms of office for the above named officers shall begin upon the admission of the State and end upon

HeinOnline -- 1891 68 1891

the first Monday of January, A. D. 1893, except as to County Treasurer whose term shall begin on the first Monday in March succeeding his election, and end on the first Monday of March, A. D. 1893, and, also, as to County Commissioners whose terms are otherwise provided for in this Constitution.

Tenth. The votes for the above county and township officers and for Clerk of the District Court shall be returned and canvassed and certificates of election to said officers issued as is now provided by law.

Eleventh. Notice of the election for the adoption or rejection of this Constitution, and for State, district, county and township officers shall be given by the Clerks of the several Boards of County Commissioners in the same manner as notice of general elections for Delegate to Congress and county officers is required to be given by the existing laws of the Territory.

Twelfth. That the provisions of this ordinance shall apply only to the election and to the officers elected on the first Tuesday of October, 1889.

HeinOnline -- 1891 69 1891

HeinOnline -- 1891 70 1891

GENERAL LAWS

OF MONTANA.

ENACTED BY THE

SECOND LEGISLATIVE ASSEMBLY.

HeinOnline -- 1891 71 1891

HeinOnline -- 1891 72 1891

DIVISION ONE.

LAWS RELATING TO REVENUE AND APPROPRIATION.

REVENUE—TAXATION—ASSESSMENT.

An Act Concerning Revenue.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. All property in the State is subject to taxation, except as provided in the next section. Taxable property

SEC. 2. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations, public libraries, and such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, are exempt from taxation; *Provided*, No more land than is necessary for said purposes shall be exempt. Property exempt.

SEC. 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal, or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for Taxation of mines.

HeinOnline -- 1891 73 1891

other than mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its full value for such other purposes, and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims, shall be taxed as other personal property.

Terms defined.

SEC. 4. Whenever the terms mentioned in this section are employed in this act, they are employed in the sense hereafter affixed to them:

"Property."

First. The term "property" includes moneys, credits, bonds, stock, franchises and all other matters and things, real, personal and mixed, capable of private ownership; but this must not be construed so as to authorize the taxation of the stocks of any company or corporation, when the property of such company or corporation represented by such stock, is within the State and has been taxed.

"Real Estate."

Second. The term "real estate," as used in this act, includes all mineral and agricultural land of every description, upon which final proof and payment have been made.

"Improvements."

Third. The term "improvements" includes all buildings, structures, fences and improvements erected upon or affixed to the land, whether title has been acquired to said land or not.

"Personal property."

Fourth. The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the terms "real estate and "improvements."

"Value."

Fifth. The terms "value" and "full cash value" mean the amount at which the property would be taken in payment of a just debt due from a solvent debtor.

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Sixth. The term "credit" includes every claim or demand for money, labor or other valuable thing, and every annuity or sum of money receivable at stated periods, and all money in property of any kind, except pensions from the United States or any of the States. In making up the amount of credits which any person is required to list, he will be entitled to deduct from the gross amount the amount of all *bona fide* debts owing by him, but no acknowledgment of indebtedness not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted, must be considered a debt within the intent of this section; and no person is entitled to a deduction on account of an obligation of any kind given to an insurance company for the premium of insurance, nor on account of any unpaid subscription to any institution or society, nor on account of a subscription to, or installment payable on the capital stock of any company or incorporation; and no liability of any person or persons as surety for another must be deducted; and no deduction must be made in any case unless the party claiming such deduction discloses to the Assessor, under oath, the name or names of the persons to whom such party is indebted, and the amount of such indebtedness to each, and also that such indebtedness is not barred by the statute of limitations.

"Credit."

Listing credits.

SEC. 5 All taxable property must be assessed at its full cash value. Land and the improvements thereon must be separately assessed.

Assessment valuation.

SEC. 6. The stockholders in every bank or banking association organized under the authority of this State or the United States, must be assessed and taxed on the value of their shares of stock therein, in the county, town, city or district where such bank or banking association is located, and not elsewhere, whether such stockholders reside in

Assessment of bank stock.

HeinOnline -- 1891 75 1891

such place or not. To aid the Assessor in determining the value of such shares of stock, the cashier or other accounting officer of every such bank must furnish a verified statement to the Assessor, showing the amount and number of shares of the capital stock of each bank, the amount of its surplus or reserve fund, the amount of investments in real estate, which real estate must be assessed and taxed as other real estate.

Valuation of bank stock.

SEC. 7. In the assessment of the shares of stock mentioned in the next preceding section, each stockholder must be allowed all the deductions and exemptions allowed by law in assessing the value of other taxable personal property owned by individual citizens of this State, and the assessment and taxation must not be at a greater rate than is made or assessed upon other monied capital in the hands of individual citizens of this State.

Deductions.

SEC. 8. In making such assessments there must also be deducted from the value of such shares, such sum as is in the same proportion to such value as the assessed value of the real estate of such bank or banking association in which such shares are held bears to the whole amount of the capital stock of such bank or banking association.

Shares in non-resident banks.

SEC. 9. The shares of the capital stock of banks organized under the laws of the United States, not located in this State, owned by residents of this State, are not subject to taxation.

Unincorporated banks.

SEC. 10. Every private banker, broker or co-partnership of private bankers, brokers or dealers in stock, must make out and deliver to the Assessor a verified statement showing the net assets, over all liabilities, exclusive of real estate and improvements thereon, of each such individual or co-partnership.

SEC. 11. The franchise, roadway, roadbed, rails and rolling stock of all railroads operating in more

HeinOnline -- 1891 76 1891

than one county in this State, must be assessed by the State Board of Equalization, as hereinafter provided for. Other franchises, if granted by the authorities of a county or city, must be assessed in the county or city within which they were granted; if granted by any other authority, they must be assessed in the county in which the corporations, firms or persons owning or holding them have their principal place of business.

Assessment of railroads.

SEC. 12. All other taxable property must be assessed in the county, city or district in which it is situated. Land must be assessed in parcels or sub-divisions not exceeding six hundred and forty acres each, and tracts of land containing more than six hundred and forty acres, which have been sectionized by the United States Government, must be assessed by sections or fractions of sections.

Place of assessment.

Assessment of land

The Assessor must set aside one line in the assessment book for the description of each six hundred and forty acres of land, or less,—the number of acres to be entered in one column, the description in another column, value in another column, value of improvements in another column, and the total in the total column. He must also set aside a line in the assessment book for the description of each town or city lot,—the description to be entered in one column, the value in another column on the same line, the value of improvements in another column, and the total in the total column; *Provided*, That all of the unimproved lots of the same value, situate in any one block, and belonging to the same party, may be described and assessed in one line in the manner above provided for each lot. It is the intention hereby that each parcel and lot shall show in its own line, and opposite the description thereof, the separate value of the same and the value of the improvements thereon.

Town lots.

HeinOnline -- 1891 77 1891

When assessment to be made.

SEC. 13. The Assessor must, between the first Monday of March and the second Monday of July in each year, ascertain the names of all taxable inhabitants and all property in his county subject to taxation, except such as is required to be assessed by the State Board of Equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 o'clock m. of the first Monday of March next preceding; but no mistake in the name of the owner, or supposed owner of real property, renders the assessment thereof invalid. Credits must be assessed as other personal property.

Statement of property.

SEC. 14. He must require from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at 12 o'clock m. on the first Monday in March. Such statement must be in writing, showing separately:

Property owned or held by individual.

1. All property belonging to, claimed by, pledged or pawned to, or in the possession, or under the control or management of such person.

Of firm.

2. All property belonging to, claimed by, or in the possession, or under the control or management of any firm of which such person is a member.

Of corporation.

3. All property belonging to, claimed by, or in the possession, or under the control or management of any corporation of which such person is president, secretary, cashier or managing agent.

Locus of property.

4. The county in which such property is situated, or in which it is liable for taxation, and (if liable to taxation in the county in which the statement is made), also the city, town, school district, road district or other revenue district in which it is situated.

5. An exact description of all lands in parcels or subdivisions, not exceeding six hundred and forty acres each, and the sections and fractional sections

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of all tracts of lands containing more than six hundred and forty acres which have been sectionized by the United States government, improvements and personal property, including all vessels, steamers and other water crafts, and all taxable State, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm or corporation, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found; all mortgages, deeds of trust, contracts and other obligations by which a debt is secured and the property in the county affected thereby. Description of property

6. All solvent credits unsecured by a deed of trust, mortgage or other lien, on real or personal property, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier or managing agent, deducting from the sum total of such credits only such debts, unsecured by trust deed, mortgage or other lien on real or personal property, as may be owing by such person, firm or corporation. No debt is to be so deducted unless the statement shows the amount of such debt as stated under oath in aggregate. In case of banks, the statement is not required to show the debt in detail, or to whom it is owing, but the Assessor has the privilege of examining the books of such banks to verify said statement. Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement showing the property of the firm or corporation, another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included. Description of credits.

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Of railroad property.

7. All depots, shops, station grounds, buildings and other structures erected on the space covered by the right of way, and all other property owned by any person, corporation or association of persons owning or operating any railroad within the county.

The fact that such statement is not required, or that a person has not made such statement under oath, or otherwise, does not relieve any property from taxation.

SEC. 15. The Board of County Commissioners must furnish the Assessor with blank forms of the statements provided for in the preceding section, affixing thereto an affidavit, which must be substantially as follows:

Form of oath.

"I,————, do swear (or affirm) that I am a resident of the county of (naming it), and that my postoffice address is ————; that the above list contains a full and correct statement of all property subject to taxation which I, or any firm of which I am a member, or any corporation, association or company of which I am president, secretary, cashier or managing agent, owned, claimed, possessed or controlled at 12 o'clock m. on the first Monday in March last, and which is not already assessed this year, and that I have not, in any manner whatsoever, transferred or disposed of any property, or placed any property out of said county or my possession for the purpose of avoiding any assessment upon the same, or of making this statement; and that the debts therein stated as owing by me are justly due and owing to others."

The affidavit to the statement on behalf of a firm or corporation must state the principal place of business of the firm or corporation, and in other respects must conform substantially to the preceding form. The time when taxes become delinquent must also be stated in such form, as also the time of meeting of the County Board of Equalization.

HeinOnline -- 1891 80 1891

The Assessor may fill out the statement at the time he presents it, or he may deliver it to the person and require him, within an appointed time, to return the same to him properly filled out. The Assessor shall immediately deliver, in person or by mail, a copy of his or her statement, showing corrections, if any, made by him.

Making out statement.

[The original bill passed contains no Section 16.]

SEC. 17.

EVERY ASSESSOR HAS POWER:

1. To require any person found within such Assessor's county to make and subscribe an affidavit, giving his name and place of residence, and post-office address.

Assessor may require affidavit.

2. To examine any person in relation to any statement furnished to him, or which discloses property which is assessable in his county; and he may exercise this power in any county where the persons whom he desires to examine may be found. Every person who refuses to furnish the statement hereinbefore required, or to make and subscribe such affidavit respecting his name and place of residence, as above provided, for each and every refusal, and as often as the same is repeated, forfeits to the people of the State the sum of $100, to be recovered by action brought in the name of the State of Montana in any Police or Justice's Court. In case such affidavit shows the residence of the person making the same to be in any county other than that in which it is taken, or the statement discloses property in any county other than that in which it is made, the Assessor must in the respective case, file the affidavit or statement in his office and transmit a copy of the same, certified by him, to the Assessor of the county in which such residence or property is therein shown to be. All

May examine.

Penalty for refusal to make statement, etc.

HeinOnline -- 1891 81 1891

moneys recovered by the State under the provisions of this section must be paid into the treasury of such county.

Assessor to note such refusal.

SEC. 18. If any person, after demand made by the Assessor, neglects or refuses to give, under oath, the statement herein provided for, or to comply with the other requirements of this act, the Assessor must note the refusal on the assessment book opposite his name and must make an estim. te of the value of the property of such person.

Absent or unknown owner.

SEC. 19. If the owner or claimant of any property, not listed by another person, is absent or unknown, the Assessor must make an estimate of the value of such property.

Name.

SEC. 20. If the name of the absent owner is known to the Assessor, the property must be assessed in his name; if unknown, the property must be assessed to unknown owners.

Consigned personalty.

SEC. 21. All personal property consigned for sale to any person within this State from any place (person?) out of the State, must be assessed as other property.

Property assessed to trustee, etc.

SEC. 22. When a person is assessed as agent, trustee, bailee, guardian, executor or administrator, his representative designation must be added to his name, and the assessment entered on a separate line from his individual assessment.

Locus of firm or corporate property.

SEC. 23. The property of every firm or corporation must be assessed in the county where the property is situated, and must be assessed in the name of the firm or corporation.

Property of decedents.

SEC. 24. The undisturbed (undistributed) and unpartitioned property of deceased persons may be assessed to their heirs, guardians, executors or ad-

HeinOnline -- 1891 82 1891

ministrators, and a payment of taxes made by either binds all the parties in interest for their equal proportions.

Personalty of merchant where assessed.

SEC. 25. The personal property belonging to the business of a merchant or a manufacturer must be listed in the town or district where his business is carried on.

Of express or stage company.

SEC. 26. The personal property of express, transportation and stage companies, steamboats, vessels and other water craft, must be listed and assessed in the county, town or district where such property is usually kept.

Of gas and water companies.

SEC. 27. The personal property and franchises of gas and water companies must be listed and assessed in the county, town or district where the principal works are located.

What property of such companies held personalty.

SEC. 28. Gas and water mains and pipes laid in roads, streets or alleys, shall be held to be personal property.

Street railroads, bridges, ferries.

SEC. 29. Street railroads and bridges, aud ferries and their franchises, owned by persons or corporations, must be listed and assessed in the county, town or district where such property, or any portion thereof, is located, and the track of the railroad or bridge are personal property.

Where assessed

Street railroad tracks and bridges are personal property.

Corporate lines and tracks assessed in county.

SEC. 30. Railroads operated in one county and not assessed by the State Board of Equalization; telegraph, telephone and electric light lines, and similar improvements; and the franchises, and canals, ditches and flumes, must be listed and assessed in the county in which such property is located, and the Assessor must require the owner of such property, or his agent, or any officer of a corporation owning the same, to make a verified statement containing a list of the number of miles such property is operated in the county, and the value thereof.

Verified list of number of miles.

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Live stock.

SEC. 31. Live stock must not be listed or assessed while such stock is in transit; but such stock must be listed or assessed in the county where turned at large for grazing purposes.

Property in litigation.

SEC. 32. Money and property in litigation in possession of a County Treasurer, of a court or a Clerk thereof, or receiver, must be assessed to such Treasurer, Clerk or receiver, and the taxes paid thereon under the direction of the court.

Concealment or misrepresentation of property —Penalty.

Property may be assessed by assessor whenever discovered.

SEC. 33. Any property willfully concealed, removed, transferred or misrepresented by the owner or agent thereof, to evade taxation, upon discovery must be assessed at not exceeding ten times its value. Any property discovered by the Assessor to have escaped assessment may be assessed at any time.

Assessor must prepare assessment books under direction of State Board.

What books shall contain.

SEC. 34. The Assessor must, under the direction of the State Board of Equalization, prepare an assessment book, with appropriate heading, alphabetically arranged, in which must be listed all property within the county, and in which must be specified, in separate columns, under the appropriate head:

1. The name of the person to whom the property is assessed.

2. Land, by township, range, section or fractional section; and when such land is not a United States land division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres (not exceeding in each and every tract 640 acres), locality and the improvements thereon.

3. City and town lots, naming the city or town, and the number of the lot and block according to the system of numbering in such city or town, and improvements thereon.

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4. All personal property, showing the number, kind, amount and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.

5. The cash value of real estate other than city or town lots.

6. The cash value of improvements on such real estate.

7. The cash value of city and town lots.

8. The cash value of improvements on city and town lots.

9. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

10. The cash value of all personal property, exclusive of money.

11. The amount of money.

12. Taxable improvements owned by the person, firm, association or corporation located upon land exempt from taxation shall, as to the manner of assessment, be assessed as other real estate upon the assessment roll. No value, however, shall be assessed against the exempt land, nor, under any circumstances, shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

13. The school, road and other revenue districts in which each piece of property assessed is situated.

14. The total value of all property.

15. The figure one (1), in separate columns, opposite the name of every person liable to pay a poll tax.

16. Such other things as the State Board of Equalization may require.

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State Board to direct form of assessment book and list.

SEC. 35. The form of the assessment book and the assessment list shall be as directed by the State Board of Equalization.

When assessor to compl te assessment books.

SEC. 36. On or before the second Monday in July in each year, the assessor must complete his assessment book. He must take and subscribe an affidavit in the assessment book, to be substantially as follows: "I, ————, Assessor of ———— county, do swear that, between the first Monday in March and the second Monday in July, eighteen hundred and ninety——, I have made diligent inquiry and examination to ascertain all the property within the county subject to assessment by me, and that the same has been assessed on the assessment book, equally and uniformly, according to the best of my judgment, information and belief, at its full cash value; and that I have faithfully complied with all the duties imposed on the Assessor under the revenue laws; and that I have not imposed any unjust or double assessment through malice, or ill-will or otherwise, nor allowed any one to escape a just and equal assessment through favor, or reward or otherwise."

Affidavit of assessor.

Failure to make affidavit not to vitiate assessment.

But the failure to take or subscribe an affidavit, or any affidavit, will not in any manner affect the validity of the assessment.

Delivery of asment book to County Clerk.

SEC. 37. As soon as completed the assessment book must be delivered to the County Clerk, who must immediately give notice thereof and of the time the Board of Commissioners will meet to equalize assessments, by publication in a newspaper, if any is printed in the county; if none, then in such manner as the Board may direct, and in the meantime the assessment book must remain in his office for the inspection of all persons interested.

Notice by Clerk of Equalization.

Assessment book subject to inspection.

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Assessor must transmit statement to State Board.

What it should show.

SEC. 38. On the second day in July in each year, the Assessor of each county must transmit to the State Board of Equalization, a statement or form, to be provided by the State Board, showing:

1. The several kinds of personal property.
2. The average and total value of each kind.
3. The number of live stock, number of bushels of grain, number of pounds or tons of any article sold by the pound or ton.
4. When practicable, the separate value of each class of land, specifying the classes and the number of acres in each.

Failure of assessor to complete book or to transmit statement.

What he forfeits.

SEC. 39. Every assessor who fails to complete his assessment book by the second Monday in July, or who fails to transmit the statement mentioned in the preceding section to the State Board of Equalization, forfeits the sum of one thousand dollars, which must be deducted from his salary by the Board of County Commissioners.

Liability of assessor and sureties for neglect to assess.

SEC. 40. The Assessor and his sureties are liable, on his official bonds, for all taxes on property within the county which, through his willful failure or neglect, is unassessed.

County attorney to commence action on bond.

SEC. 41. The County Attorney must, after the Assessor completes the assessment book for the year, commence an action on the Assessor's bond, in the name of the State of Montana, for the amount of taxes lost from such willful failure or neglect.

On trial judgment against unassessed property.

SEC. 42. On the trial of such action, the value of the property willfully or negligently unassessed being shown, judgment for the amount of taxes that should have been collected thereon must be entered.

List for railroads in more than one county.

SEC. 43. The president, secretary or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation, and

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Sworn statement must show.

each person, or association of persons, owning or operating any railroad in more than one county in this State, must, on or before the first Monday in March of each year, furnish the said board a statement, signed and sworn to by one of such officers, or by the person or one of the persons forming such association, showing in detail for the year ending on the first Monday in March in each year.

First. The whole number of miles within the State owned or operated by such corporation, person or association.

Second. The value of the roadway, roadbed and rails of the whole railroad within the State.

Third. The width of the right of way.

Fourth. The number of each kind of all rolling stock used by such corporation, person or association in operating the entire railroad within the State.

Fifth. Number, kind and value of rolling stock owned and operated in the State.

Sixth. Number, kind and value of rolling stock used in the State, but not owned by the party making the returns.

Seventh. The whole number of sidetracks in each county, including the number of miles of track in each railroad yard in the State.

Eighth. The number of each kind of rolling stock used in operating the entire railroad in the State, which must include a detailed statement of the number and value thereof, of all engines, passenger, mail, express, baggage, freight and other cars, or property owned or leased by such corporation, person or association.

Ninth. The number of sleeping and dining cars, not owned by such corporation, person or association, but used in operating the railroads of such corporation, person or association in this State, during each month of the year for which the return is

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made; also the number of miles each month said cars have been run or operated within the State.

Tenth. A description of the road, giving the points of entrance into and the points of exit from each county, with a statement of the number of miles in each county. When a description of the road shall have once been given, no other annual description thereof is necessary, unless the road shall have been changed. Whenever the road, or any portion of the road, is advertised to be sold, or is sold, for taxes, either State or county, no other description is necessary than that given by, and the same is conclusive upon the person, corporation or association giving the description. No assesment is invalid on account of a misdescription of the railway or the right of way for the same. If such statement is not furnished as above provided the assessment made by the State Board of Equalization upon the property of the corporation, person or association failing to furnish the statement is conclusive and final.

Eleventh. Any other facts the State Board of Equalization may require.

When State Board of Equalization to meet.

SEC. 44. The State Board of Equalization must meet at the State Capital on the third Monday in July, and continue in open session from day to day, Sundays excepted, until the second Monday in August, and later if the business of the Board requires it. At such meeting the Board must assess the franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county. All rolling stock, whether owned, leased or conveyed, carrying passengers or freight, shall be assessed in the name of and against the company or corporation, leasing, using or conveying such rolling stock. Assessment must be made to the corporation, person or association of persons owning or leasing the same, and must be made upon the entire

Board to assess railroads and railroad property.

HeinOnline -- 1891 89 1891

railroad within the State, and must include the right of way, bridges and culverts of the railroad. The depots, stations, shops and buiidings erected upon the space covered by the right of way, and all other property, owned or leased by such person, corporation or association, except as above provided, are assessed by the Assessor of the county wherein they are situate. Between the second and third Mondays of August in each year, the Board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railroad to the counties, cities, towns, townships and school districts in which such railroad is located, in proportion to the number of miles of railroad laid in such counties.

Depots, etc , to be assessed by county assessor.

Board to apportion assessmentto localities.

SEC. 45. The State Board of Equalization must, within the time mentioned in the preceding section, transmit by mail to the County Clerk of each county to which such apportionment has been made, a statement showing the length of the main track of such railroad within the county, cities, towns townships and school districts within the county, with a description of the whole of the said track within the county, including the right of way by metes and bounds, or other description sufficient for identification, the assessed value per mile of the same as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails and rolling stock of such railroad within the State, and the amount apportioned to the county. The County Clerk must enter the statement on the assessment roll or book of the county, and enter the amount of the assessment apportioned to the county in the column of the assessment book or roll as aforesaid, which shows the total value of all property for taxation of the county.

To transmit apportionments.

Count· clerks to enter apportionments on assessment books.

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Duty of Boards of County Commissioners as to apportionments.

SEC. 46. On the second Monday in September the Board of County Commissioners must make, and cause to be entered in the proper record book, an order stating and declaring the length of main track of the railroad assessed by the State Board of Equalization within the county, the assessed value per mile of such railroad, the number of miles of track and the assessed value of such railroad lying in each city, town, school and road district, or lesser taxing district in the county, through which such railroad runs, as fixed by the State of Equalization, which constitute the assessment value of said property for taxable purposes in such such city, town, school, road or other district, and the County Clerk must, on application, transmit a copy of each order or equalization to the City Council or trustees, or other legislative body of incorporated cities or towns, the trustees of each school district, and the authorized authorities of other taxation districts through which such railroad runs. All such railroad property is taxable upon said assesment, at the same rates, by the same officers, and for the same purposes as the property of individuals within such city, town, school, road and lesser taxation districts, respectively, and such taxes must be collected in the same manner and by the same officers as other taxes are collected.

County clerks to transmit sub-apportionments to cities, districts, board etc.

Uniform rates.

Collection of taxes.

Aggrieved owner may apply for correction.

SEC. 47. If the owner of a railroad assessed by the State Board of Equalization is dissatisfied with the assessment made by the Board, such owner may, at the meeting of the Board, between the third Monday in July and the second Monday in August, apply to the Board to have the same corrected in any particular, and the Board may correct, or increase or lower the assessment made by it, so as to equalize the same with the assessment of other property in the State. If the Board increases or lowers any assessment pr viously made

Power of State Board to equalize.

HeinOnline -- 1891 91 1891

Notice to county clerk of alterations.

by it, it must make a statement to the County Clerk of the county affected by the change in the assessment of the change made, and he must note such change upon the assessment book of the county, as directed by the Board.

State Board o prepare book of railroad assessments.

SEC. 48. The State Board of Equalization must prepare each year a book, to be called "Records of Assessments of Railroads," in which must be entered each assessment made by the Board, either in writing or by both writing and printing. Each assessment so entered must be signed by the chairman and clerk. The record of the apportionment of the assessments made by the Board to the counties must be made in a separate book, to be called "Record of Apportionment of Railroad Assessments." In such last described book must be entered the names of the railroads assessed by the Board, the names of the corporations to which, or the name of the person or association to whom each railroad was assessed, the whole number of miles of the railroad in the State, the number of miles in each county, the total assessment of the franchise, roadway, roadbed, rails and rolling stock for purposes of State taxation, and the amount of the apportionment of such total assessment to each county for county taxation.

Also record of apportionments.

What to contain.

Basis of taxation in county or district.

SEC. 49. The assessment made by the County Assessor, and that of the State Board of Equalization, as apportioned by the Board of County Commissioners to each city, town, school, road or other district in their respective counties, is the only basis for taxation for the county, or any subdivision thereof, except in incorporated cities and towns, and may also be taken as such basis in incorporated cities and towns when the proper authorities may

In cities and incorporated towns.

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so elect. All taxes upon road, school or other local districts must be collected in the same manner as county taxes.

Collection of taxes in districts.

SEC. 50. Every person, corporation or association engaged in mining upon any quartz vein or lode, or placer mining claims, containing gold, silver, copper, lead or other valuable mineral deposits, must, between the first and tenth days of July in each year, make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of July, and the value thereof. Such statement must be verified by the oath of such person, or the superintendent or managing agent of such corporation or association, who must deliver the same to the Assessor of the county in which such mine or mines are situated. The statement mentioned in the preceding section must contain a true and correct account of the actual expenditures of money and labor in and about extracting the ore or mineral from the mine and transporting the same to the mill or reduction works, and the reduction of the ore and the conversion of the same into money or its equivalent during the year.

Assessment list of mining property.

SEC. 51. In making the statement of the expenditures mentioned in the preceding section, there must be allowed all moneys expended for necessary labor, machinery and supplies needed and used in the mining operations, for improvements necessary in and about the working of the mine, for reducing the ores, for the construction of mills and reduction works used and operated in connection with the mine, for transporting the ore and for extracting the metals and minerals therefrom; but money invested in the mines or improvements during any year, except the year immediately preceding such

Statement of expenditures.

When not to include moneys invested.

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statement, must not be included therein. Nothing in this act exempts such improvements, mills, reduction works and supplies from taxation as provided by law. Such expenditures do not include the salaries, or any portion thereof, of any persons or officers not actually engaged in the working of the mine, or personally superintending the management thereof.

Not to include salaries of officers.

SEC. 52. The Assessor must prepare, at the same time he prepares the general assessment book, another assessment book, called "The Assessment Book of the Net Proceeds of Mines," alphabetically arranged, unless otherwise directed by the State Board of Equalizatiou, in which must be listed the net proceeds of all mines in his county, and in which must be specified, in separate columns, and under the appropriate head:

Assessor to prepare assessment book of mines.

What book to contain.

1. The name of the owner of the mine.
2. Description and location of the mine.
3. Number of tons extracted during the year.
4. Gross yield or value in dollars and cents.
5. Actual cost of extracting same from mine.
6. Actual cost of transportation to place of reduction or sale.
7. Actual cost of reduction or sale.
8. Cost of construction and repair of mines and reduction works during the year.
9. Net proceeds or value in dollars.
10. Total amount of tax.

SEC. 53. The duties of the Assessor, County Clerk, State Board of Equalization and Board of County Commissioners as to the assessment of the net proceeds of mines, the statements and returns to be made, the equalization thereof and other official acts, are the same as those mentioned in this act in regard to the assessment of other property.

Duties of assessing officers as to mines.

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SEC. 54. If any person, corporation or association engaged in mining, as mentioned in this act, refuses or neglects to make and to deliver to the Assessor of the county where the mines are located the statement mentioned in this act, such Assessor must list the property, and assess, according to his knowledge and information, the amount of such tax, in the manner provided by law for the assessment of other property where no statement is furnished.

Duty of assessor when statement of mining property not furnished.

SEC. 55. The Assessor, at any time, has the right to examine the books and accounts of any person, corporation or association engaged in mining, as mentioned in this act, in order to verify the statement made by such person, corporation or association, and if from such examination he finds such statement false, he must assess the net proceeds in the same manner as if no statement had been made and delivered.

Assessor may examine books.

If statement is false.

SEC. 56. Nothing in this act contained must be construed so as to exempt from taxation the improvements, consisting of buildings, erections, structures or machinery placed upon any mining claim, or used in connection therewith.

What property is not exempt.

SEC. 57. The tax mentioned in the preceding section must be collected and the payment thereof enforced as the collection and enforcement of other taxes are provided for, and every such tax is a lien upon the mines or mining claims from which the ores or minerals are extracted, which lien attaches on the first Monday of April in each year, and the sale thereof for delinquent taxes may be made as provided for the sale of real estate for delinquent taxes.

Collection of taxes on mining property.

Lien or taxes.

Sale for delinquent taxes.

SEC. 58. The chairman of the Board of County Commissioners, the County Assessor and a reputable citizen, to be elected by the two first named

Board of Appraisers of real estate.

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officers, shall constitute a Board of Appraisers, whose duty it shall be to fix the valuation of all real estate within the county for the purposes of assessment by the County Assessor, which valuation, so fixed by said Board of Appraisers, shall constitute the "value" or "true value" of such real estate. Said Board of Appraisers shall meet on the third Monday in February of each year, and continue in session until its duties, as prescribed by this section are completed, not exceeding eight days. The Assessor in making up his assessment list of real estate is hereby prohibited from assessing any greater or less value upon any piece of real estate than that so fixed by said Board of Appraisers.

Duties of.

When to meet.

Assessor must follow their appraisal.

SEC. 59. The third member of said Board of Appraisers chosen by the County Assessor and chairman of the Board of County Commissioners, as provided in the preceding section, shall be allowed a compensation of eight dollars per day for his services while actually employed in the discharge of his duties as a member of said Board, such compensation to be allowed by the Board of County Commissioners.

Compensation of third member of Board.

SEC. 60. The Board of County Commissioners is the Board of Equalization and must meet on the third Monday of July in each year to examine the assessment book and adjust and equalize the valuation of the taxable property of the county. It must continue in session for that purpose from time to time, until the business of equalization is disposed of, but not later than the second Monday in August.

County boards of equalization.

When to meet.

To adjust and equalize.

SEC. 61. The Board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower any assessment contained in the assessment book, so as to equalize the valuation of the property contained therein and make the assessment conform to the valuation of such property.

Power to increase or lower after notice.

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Said Board of County Commissioners is vested with full power to make any changes in the valuation of property, whether such change relates to an entire class or to particular items of property, real or personal, and they shall make such changes as will result in a fair valuation of property within the meaning of this act; *Provided, however*, That nothing in this section contained shall confer authority upon said Board to change or alter in any way any assessment made by the State Board of Equalization of any railroad, or the property of the same, or of any person.

Power to change valuation.

No power to change valuation of State Board.

SEC. 62. No reduction must be made in the valuation of property unless the party affected thereby, or his agent, makes and files with the Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made.

When reduction allowable.

SEC. 63. Before the Board grants the application, or makes any reduction applied for, it must examine, on oath, the person or the agent making application, touching the value of the property of such person. No reduction must be made unless such person, or the agent making the application, attends and answers all questions pertinent to the inquiry.

Examination before reduction.

SEC. 64. Upon the hearing of the application the Board may subpœna such witness, hear and take such evidence in relation to the subject pending, as in its discretion it may deem proper.

Board may summon witnesses.

SEC. 65. During the session of the Board, the Assessor and any Deputy, whose testimony is needed, must be present and make any statement, or introduce and examine witnesses on questions before the Board.

Assessor to be present at meetings.

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SEC. 66. To assist the Assessor in the performance of his duties, the County Clerk must annually transmit to the Assessor, on or before the first Monday in March, a complete abstract of all mortgages, deeds of trust, contracts and other obligations by which any debt is secured, remaining unsatisfied on the records of his office, not barred by the statute of limitation, at twelve o'clock Meridian, on the first Monday in March of said year. Such abstract shall be written under appropriate headings, to embrace all information requisite for the Assessor, in a book or books to be furnished by the Board of County Commissioners, upon the requisition of the Assessor. Should any such list be found to contain any instrument relating to lands situated in more than one county, it shall be the duty of the Assessor to transmit to the State Board of Equalization all information relating thereto.

County clerk to furnish assessor abstracts.

Form of.

Instrument as to land in more than one county.

SEC. 67. It is the duty of said State Board of Equalization to attach an apportionment of valuation of such instrument to be assessed in each county, and the Board must transmit to the Assessor of each county mentioned as affected in said instrument a statement of valuation of assessment to be levied against said instrument in each county. The valuation so set by said State Board is final, and the Assessor shall accept said valuation and charge said assessment upon said instrument accordingly. Should the said list contain any instrument mortgaging or pledging two or more subdivisions of land, or land assessed in two or more subdivisions in the same county, district or city, the Assessor must apportion the amount of assessment to be deducted from each subdivision on account of assessment against said instrument. When partial payments have been made on a debt, secured by mortgage or

Duty of State Board to assess such land.

Deduction by assessor of subdivision twice assessed.

Partial payments on mortgage.

HeinOnline -- 1891 98 1891

deed of trust, the owner is authorized to make the proper deduction, listing only the balance due on the first Monday in March.

Board of Equalization to use abstracts.

SEC. 68. The Board of County Commissioners must use the abstract and all other information it may gain from the records of the County Clerk or elsewhere in equalizing the assessment of the property of the county, and may require the Assessor to enter upon the assessment book any property which has not been assessed; and any assessment made as prescribed in this section has the same force and effect as if made by the Assessor before the delivery of the assessment book to the County Clerk.

May require assessor to enter unassessed property.

Has full power to o der complete assesments.

SEC. 69. During the session of the Board of County Commissioners it may direct the Assessor to assess any taxable property that has escaped assessment, or to add to the amount, number or quantity of property when a false or incomplete list has been rendered, and to make and enter new assessments (at the same time canceling previous entries) when any assessment made by him is deemed by the Board so incomplete as to render doubtful the collection of the tax; but the Clerk must notify all persons interested by letter what action has been taken by the Board, and said letter shall be deposited in the postoffice or express, postpaid, and addressed to the person interested at least ten days before action taken of the day fixed when the matter will be investigated.

Clerk to give notice of any order.

Clerk to record all changes, etc

SEC. 70. The County Clerk must record in the journal of the Board of County Commissioners all changes, corrections and orders made by the Board, and during its session, or as soon as possible after its adjournment, must enter upon the assessment book all changes and corrections made by the Board, and on or before the first Monday of Au-

HeinOnline -- 1891 99 1891

gust must affix his affidavit thereto, subscribed by him as follows: "I, ————, do swear that, as County Clerk of ———— County, I have kept correct minutes of all the acts of the Board of County Commissioners touching alterations in the assessment book; that all alterations agreed to or directed to be made have been made and entered in the book, and that no changes or alterations have been made therein except those authorized.

To affix affidavit.

SEC. 71. The Governor, Secretary of State, State Treasurer, State Auditor and Attorney General constitute a State Board of Equalization, of which the Governor is president and the Secretary of State is secretary thereof, and a majority of the members of such Board shall constitute a quorum for the transaction of business.

Quorum of State Board of Equalization.

SEC. 72. The powers and duties of the State Board of Equalization are as follows:

Powers and duties of State Board.

1. To prescribe rules for its own government and for the transaction of business.

2. To prescribe rules and regulations not in conflict with the Constitution and the laws of the State, to govern County Commissioners when equalizing and Assessors when assessing.

3. To make out, prepare and enforce the use of forms in relation to the assessment of property.

4. To hold meetings at the State Capital as prescribed by its rules, and such special meetings as the president or a majority of the members thereof may direct.

5. To annually assess the franchise, roadway, roadbed, rails and rolling stock of all railroads owned, leased or operated in more than one county in the State, at their full cash value on the third Monday in July, at 12 o'clock m., and to apportion such assessment to the counties, cities, towns, townships and school districts in which such railroads

HeinOnline -- 1891 100 1891

are located in proportion to the number of miles of railroad laid in such counties, cities, towns, townships and school districts, in the manner provided for in this act.

6. To equalize the assessment of each mortgage, deed of trust, contract or other obligation by which a debt is secured, and which affects property situated in two or more counties, and to apportion the assessment thereof to each of said counties.

7. To transmit to the County Clerk of each county its apportionment of the assessments made by such Board upon the franchises, roadways, roadbeds, rails and rolling stock of railroads; and also its apportionment of the assessments made by such Board upon mortgages, deeds of trust, contracts and other obligations by which debts are secured, in the manner provided for in this act.

8. To meet at the State Capitol on the third Monday in July and remain in session from day to day (Sundays excepted) uutil the third Monday in August, and later if the business of the Board requires.

9. At such meetings to equalize the valuation of the taxable property of the several counties in this State for the purpose of taxation, and to that end under such rules of notice to the County Clerk of the county affected thereby as it may prescribe, to increase or lower an entire assessment roll, exclusive of money, or the total value of real estate, or the total value of improvements, or the total value of city and town lots, or the total assessed value of personal property, or the total assessed value of horses, cattle or sheep, contained in the assessment book so as to equalize the assessment of the property contained therein, and make the assessment conform to the true value in money of the property assessed.

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10. To visit as a Board, or by the individual members thereof whenever deemed necessary, the several counties of the State for the purpose of inspecting the property and learning the value thereof.

11. To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12. To issue subpœnas for the attendance of witnesses or production of books before the Board, or any member thereof, which subpœnas must be signed by a member of the Board, and may be served by any person.

13. To report biennially to the Legislative Assembly a statement showing:

First. The acreage of each county in the State that is assessed.

Second. The amount assessed per acre.

Third. The aggregate value of all town and city lots.

Fourth. The aggregate value of all real estate and mining claims, stating each separately, in the State.

Fifth. The kind of personal property in each county, and the value of each kind.

Sixth. The aggregate value of all personal property in the State.

Seventh. Any information relative to the assessment of property and the collection of revenue.

Eighth. Such further suggestions as it deems proper.

14. To keep a record of all its proceedings.

15. To appoint a clerk, prescribe and enforce his duties. The clerk shall hold his office during the pleasure of the Board.

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Has power to change assessment without notice.

SEC. 73. When, after a general investigation by the Board the property is found to be assessed above or below its full cash value, the Board may, without notice, so determine, and must add to or deduct from the valuation:

1. The real estate.
2. Improvements upon such real estate.
3. The personal property, except money, such percentum respectively as is sufficient to raise or reduce it to its full cash value.

Failure of county clerk to transmit statement.

SEC. 74. If the County Clerk fails to forward to the State Board of Equalization the statement provided for in this act, the Board must obtain the statement, or so much thereof as is necessary, from other and reliable sources.

Statement of changes made by State Board to county clerks.

SEC. 75. When the equalization among the several counties is completed, the secretary of the Board must transmit to each County Clerk a statement of the changes made by the Board in the assessment book of the county, or any assessment contained therein, and of the percentum to be added or deducted from the valuation of such statement, which is *prima facie* evidence of the regularity of all the proceedings of the Board, resulting in the action which is the subject matter of the statement.

Is *prima facie* evidence.

Penalty for disobedience to Board.

SEC. 76. Every person served with a subpœna who fails or neglects, without just excuse, to obey it, and every officer who refuses to obey the rules and regulations prescribed by the Board, or to perform the duties prescribed therein, forfeits to the State five hundred dollars, to be recovered by action in the name of the State, which action may be commenced and tried in any county in the State.

SEC. 77. Whenever the State Board of Equalization is satisfied that the Assessor or Deputy Assessor of any county has knowingly, fraudulently

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or corruptly assessed any property below its appraised value, it must immediately inform the County Attorney of such county in writing of the facts that may have come to its knowledge with a request that such Assessor or Deputy Assessor be prosecuted, and the County Attorney must at once comply with such request.

Duty of Board as to fraud of county assessor.

Power to administer oaths.

SEC. 78. The Clerk or any member of the Board may administer and certify oaths.

Expenses of members.

By whom audited and allowed.

SEC. 79. Each member of the Board is entitled to repayment of his actual expenses incurred by him while traveling in discharge of his duties, and all money paid out for necessary traveling expenses, stationery and postage stamps, to be audited and allowed by the State Board of Examiners, and paid as other claims against the State are paid.

Levy of taxes for appropriations and deficiencies.

Limit of levy.

SEC. 80. There must be levied at each session of the Legislative Assembly upon all property in the State liable to taxation, a sufficient sum to realize the amount necessary to meet the appropriations made for the two succeeding fiscal years, and for the payment of deficiencies, if any have occurred in the previous fiscal year or years. Such levy must be made for each fiscal year separately and must not exceed three mills on each dollar of valuation.

Levy of taxes by county commissioners.

SEC. 81. The Board of County Commissioners of each county must on the second Monday in August, fix the rate of county taxes and designate the number of mills on each dollar of valuation of property for such fund, and must levy taxes upon the taxable property of the county.

Levy has effect of judgment and lien of execution.

SEC. 82. Every tax has the effect of a judgment against the person, and every lien created by this act has the force and effect of an execution duly levied against all personal property of the de-

HeinOnline -- 1891 104 1891

linquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof.

Lien upon property.

SEC. 83. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements upon real estate assessed to others than the owner of the real estate is a lien upon the improvements; which several liens attach as of the first Monday of February of each year.

When lien attaches.

Levy of tax by Legislature.

SEC. 84. There must be levied by the Legislative Assembly, at the time other State taxes are levied, a tax of such number of cents of each one hundred dollars value of taxable property in the State, as will produce a net sum equal to the amount reported to them by the State Auditor, or as may be otherwise ascertained, as being necessary to be raised by an *ad valorem* tax for school purposes, and the assessment and collection of said tax must be performed in the same manner and at the same time as other State taxes are assessed and collected.

Collection of same.

County clerk to enter total valuation.

SEC. 85. The County Clerk, as soon as he receives the book, must proceed to add up the valuations, and enter the total valuation of each kind of property and the total valuation of all property on the assessment book. The column of acres must show the total acreage of the county.

Must prepare duplicate statement.

What statements to show.

SEC. 86. The County Clerk must, on or before the second Monday in August of each year, prepare from the "assessment book" of such year, as corrected by the Board of County Commissioners, duplicate statements of form to be prepared by the State Board of Equalization, showing in separate columns:

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1. The total value of property.

2. The value of real estate, including mining claims, stated separately.

3. The value of the improvements thereon.

4. The value of personal property, exclusive of money.

5. The amount of money.

6. The number of acres of land and the number of mining claims, stated separately.

One for State Auditor. One for State Board.

SEC. 87. The County Clerk must, as soon as such statements are prepared, transmit by mail, one to the State Auditor and one to the State Board of Equalization.

Clerk to enter changes of State Board.

SEC. 88. As soon as the County Clerk receives from the State Board of Equalization a statement of the changes made by the Board in the assessment book of the county, or in any assessment contained therein, he must make the corresponding changes in the assessment book by entering the same in a column provided with a proper heading in the assessment book, counting any fractional sum, when more than fifty cents, as one dollar, and omitting it when less than fifty cents, so that the value of any separate assessment shall contain no fraction of a dollar; but he must, in all cases, disregard any action of the Board of County Commissioners which is prohibited by this Act.

Must disregaad illegal act of county commissioners.

Must compute amount of taxes.

SEC. 89. The County Clerk must then compute and enter in a separate money column in the assessment book the respective sums in dollars and cents, rejecting the fraction of a cent, to be paid as a tax on the property therein enumerated, and foot up the column showing the total amount of such taxes, and the columns of total value of property in the county, as corrected under the direction of the State Board of Equalization.

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When to deliver corrected assessment.

SEC. 90. On or before the first Monday of October, he must deliver a copy of the corrected assessment book, to be styled "Duplicate Assessment Book," to the County Treasurer, with an affidavit attached thereto, and by him subscribed as follows: "I, ———, County Clerk of the County of ———, do swear that I received the assessment book of the taxable property of the county from the Assessor, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the County and State Board of Equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations. taxes and acreage, as required by law, and that the copy to which this affidavit is affixed is a full, true and correct copy thereof, made in the manner prescribed by law."

Affidavit.

Must retain orignal assessment book.

SEC. 91. The original assessment book must remain in the office of the County Clerk.

To charge treasurer with amount of taxes levied.

SEC. 92. On delivering the "duplicate assessment book" to the County Treasurer, the County Clerk must charge the Treasurer with the full amount of taxes levied.

Affidavit to all statements.

SEC. 93. The County Clerk must verify, by his affidavit attached thereto, all statements made by him under the provisions made by this act.

Debit and credit tax collector.

SEC. 94. The County Clerk, if the "duplicate assessment book," or the delinquent tax list, is transferred from one collector to another, must credit the one and charge the other with the amount then outstanding on the tax list.

Failure of county clerk to perform duties.

SEC. 95. If the County Clerk fails or neglects to perform the duties prescribed by this act, he forfeits to the county $500, to be recovered by action in the name of the county.

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Notic by county treasurer.

SEC. 96. Within ten days after the receipt of the "duplicate assessment book," the County Treasurer must mail to each taxpayer the following notice:

1. Amount of taxes.

2. That taxes will be delinquent after the first day of December, and that unless paid prior thereto, 10 per cent will be added to the amount thereof.

3. The time and place at which payment of taxes may be made.

Receipt for taxes.

SEC. 97. He must give a receipt to the person paying any tax, specifying the amount of the assessment and the tax paid, with a description of the property assessed.

Taxes on the estates of decedents must be paid.

SEC. 98. The District Court must require every administrator or executor to pay out of the funds of the estate all taxes due from such estate, and no order or decree for the distribution of any property of any decedent among the heirs or devisees must be made until all taxes against the estate are paid.

Settlement of county treasurer.

SEC. 99. On the first Monday in March, June, September and second Monday in December, the County Treasurer must settle with the County Commissioners for all moneys collected from the State or county, and on the said day must deliver to and file in the office of the County Clerk a statement, under oath, showing:

Must file statement.

1. An account of all his transactions and receipts since his last settlement.

2. That all money collected by him is in the County Treasury.

Delinquency of taxes.

SEC. 100. After December 1, of each year, all unpaid taxes are delinquent, and thereafter the

Penalty.

County Treasurer, for the use of the county, must add an addition of 10 per cent.

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Checking assessment books.

SEC. 101. On the third Monday of December of each year, in each of the counties, the tax collector must attend at the office of the County Clerk with the duplicate assessment book, and carefully compare the duplicate with the original assessment book, and every item marked "paid" in the former must be marked "paid" in the latter.

Treasurer to deliver delinquent list to clerk.

SEC. 102. The County Treasurer must, at the time specified in the preceding section, deliver to the County Clerk a complete "delinquent list" of all persons and property then owing taxes,

What to contain.

SEC. 103. In the list so delivered must be set down in numerical or alphabetical order, all matters and things contained in the assessment book relating to delinquent persons or property.

County clerk to compare list.

SEC. 104. The County Clerk must carefully compare the list with the assessment book and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the County Treasurer who acted under it therewith, and make a final settlement with him of all taxes charged against him on the assessment book, and must require from him an immediate account for any existing deficiency.

To charge delinquent taxes and redeliver list.

SEC. 105. After settlement with the County Treasurer, as prescribed in the preceding section, the County Clerk must charge the County Treasurer then acting with the amount of taxes due on the delinquent tax list, with the ten per cent added thereto, and within three days thereafter deliver the list, duly certified to such County Treasurer.

To transmit statement of delinquent property.

SEC. 106. Within ten days after the final settlement the County Clerk must transmit by mail a statement to the State Auditor, in such form as he requires, of each kind of property assessed and delinquent, and the total amount of delinquent taxes.

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Publication of delinquent list.

SEC. 107. On or before the last Monday of each year, the County Treasurer must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent and the amount of taxes and costs due, opposite each name and description. The expense of publication to be a charge against the delinquent taxpayers.

Notice therein.

SEC. 108. The County Treasurer must publish with the delinquent tax list a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction.

Time of publication.

SEC. 109. The publication must be made once a week for three successive weeks in such newspaper published in the county as the Board of County Commissioners directs. If there is no newspaper published in the county then by posting a copy of the list in three public places.

Must name time, etc.

SEC. 110. The publication must designate the time and place of sale.

Time and place of sale.

SEC. 111. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be in front of the County Court House.

Treasurer to file copy.

SEC. 112. The County Treasurer as soon as he has made the publication required by this act, must file with the County Clerk a copy of the publication, with an affidavit attached thereto that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication, and the date of each appearance; and in case there was no newspaper published in his county, that notices were put up in three public places therein, which affidavit is *prima facie* evidence of all the facts stated therein.

Affidavit.

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SEC. 113. On the day fixed for sale, or on some subsequent day to which he may have postponed it, of which he must give notice to the County Treasurer, between the hours of ten o'clock a. m., and three o'clock p. m., must commence the sale of the property advertised, commencing at the head of the list and continue in alphabetical or numerical order of lots and blocks until completed. Sale of delinquent property.

SEC. 114. He may postpone the day of commencing the sale from day to day; but the sale must be completed within three weeks from the day first fixed. Postponement.

SEC. 115. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate, in writing to the County Treasurer, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the portion of the interest, and pay the taxes and costs due, including fifty cents to the Treasurer for the duplicate certificates of sale is the purchaser. But in case there is no purchaser in good faith for the same as provided in this act, on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed must be struck of to the county as the purchaser, and the duplicate certificate delivered to the County Treasurer and filed by him in his office. No charge must be made for the duplicate certificate when the county is the purchaser, and in that case the County Treasurer must make an entry, "Sold to the County," on the duplicate assessment book opposite the tax, and he must be credited with the amount thereof in the settlement. Method of sales.

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Purchaser failing to pay.

SEC. 116. If the purchaser does not pay the tax and costs before ten o'clock p. m. of the following day, the property on the next sale day, before the regular sale, must be resold for taxes and costs.

Cannot bid again.

SEC. 117. The bid of any person refusing to make the payment for the property purchased by him must not be received on the sale of any property advertised in the delinquent tax list of that year.

Certificate of sale.

SEC. 118. After receiving the amount of taxes and costs, the Treasurer must make out in duplicate, a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and the year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

Duplicate certificates.

SEC. 119. The certificate must be signed by the County Treasurer and one copy be delivered to the purchaser, and the other filed in the office of the County Clerk.

Book of certificates.

SEC. 120. The County Treasurer, before delivering any certificate, must in a book enter a description of the land sold corresponding with the description in the certificate, the date of the sale, purchaser's name and the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours when not in actual use.

Penalty on redemption.

SEC. 121. On filing the certificate with the County Clerk the lien of the State vests in the purchaser, and is only divested by the payment to him, or to the County Treasurer for his use, of the purchase money and twenty per cent thereon, and two per cent additional for each month that elapses from the date of sale until redeemed.

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SEC. 122. A redemption of the property sold made be made by the owner or any party in interest within twenty-four months from the date of the purchase, or at any time prior to the giving of the notice and the application for a deed, as provided for in this act. Time for redemption.

SEC. 123. Redemption must be made in lawful money, and when paid to the County Treasurer he must credit the amount paid to the person named in the County Treasurer's certificate, and pay it on demand to the person or his assignees. How property redeemed.

SEC. 124. In each report the Treasurer makes to the County Commissioners he must name the persons entitled to redemption money and the amount due to each. Report of redemption.

SEC. 125. On receiving the certificate of sale, the County Clerk must file it, and make an entry in a book similar to that required of the Treasurer. Entry by clerk.

126. On the presentation of the receipt of the person named in the certificate, or of the County Treasurer for his use, of the total amount of redemption money, the County Clerk must mark the word "Redeemed," the date, by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made. Entry by, of redemption.

SEC. 127. If the property is not redeemed in the time allowed by law for its redemption, the County Treasurer, or his succcessor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The County Treasurer is entitled to receive from the purchaser, for the use of the county, three dollars for making such deed. No charge must be made by the County Treasurer for Tax deed. Fee of treasurer.

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Acknowledgment to deed.

the making of any snch deed where the county is a purchaser; and the acknowledgment of all such deeds, as provided in this act, must be taken by the County Clerk free of charge.

Purchaser must serve notice.

SEC. 128. The purchaser of property sold for delinquent taxes, or his assignee, must, thirty days previous to the expiration of the time for the redemption, or thirty days before he applies for a deed, serve upon the owner of the property purchased, or upon the person occupying the property, if said property is occupied, a written notice, stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property has the right of redemption indefinitely until such notice has been given and said deed applied for, upon the payment of the fees, percentages, penalties and costs required by law. In case of an unoccupied property a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed.

Proof f such notice before delivery of deed.

SEC. 129. No deed of the property sold at a delinquent tax sale must be issued by the County Treasurer, or any other officer, to the purchaser of the property until after such purchaser shall have filed with the Treasurer, or other officer, an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit must be filed by the Treasurer, as other files, papers and records kept by him in his office.

Costs of notice.

Such purchaser is entitled to receive the sum of three dollars for the service of said notice and the making of said affidavit, which sum of three dollars

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must be paid by the redemptioner at the same time and in the same manner as other costs, percentages, penalties and fees are paid.

What deed to contain.

SEC. 130. The matters recited in the certificate of sale must be recited in the deed, and such deed, duly acknowledged or proved, is *prima facie* evidence that:

Is *prima facie* evidence.

1. The property was assessed as required by law.

2. The property was equalized as required by law.

3. The taxes were levied in accordance with law.

4. The taxes were not paid.

5. At a proper time and place the property was sold as prescribed by law, and by the proper officer.

6. The property was not redeemed.

7. The person who executed the deed was the proper officer.

Is conclusive evidence.

SEC. 131. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of all other proceedings, from the assessment by the assessor, inclusive, up to the execution of the deed.

What deed conveys.

SEC. 132. The deed conveys to the grantee the absolute title to the lands described therein as of the date of the expiration of the period for redemption, free of all incumbrances, except the lien for taxes which may have attached subsequent to the sale.

Assessment books, etc., *prima facie* evidence.

SEC. 133. The assessment book, duplicate assessment book, or delinquent list, or a copy thereof certified by the County Clerk, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and un-

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paid, and that all the forms of the law in relation to the assessment and levy of such taxes have been complied with.

Seizure and sale of personalty.

SEC. 134. The Treasurer may, after the third Monday in each year, in each of the counties of this State, collect the taxes due on personal property by seizure and sale of any personal property owned by the delinquent.

Sale at auction.

SEC. 135. The sale must be at public auction, and of a sufficient amount of the property to pay the taxes, percentage and costs.

Notice of.

SEC. 136. The sale must be made after one week's notice of the time and place thereof, given by publication in a newspaper in the county, or by posting in three public places.

Fee of treasurer.

SEC. 137. For seizing or selling personal property, the Treasurer may charge in each case the sum of three dollars for the use of the county and the same mileage as is allowed by law to the Sheriff of the county.

Bill of sale.

SEC. 138. On the payment of the price bid for any property sold the delivery thereof, with a bill of sale, vests the title thereto in the purchaser.

Return of excess.

SEC. 139. All excess over the taxes 10 per cent, and costs of the proceeds of any such sale, must be returned to the owner of the property sold, and until claimed must be deposited in the county treasury, subject to the order of the owner, heirs or assigns.

Re-delivery of unsold property.

SEC. 140. The unsold portion of any property must be delivered to the owner or returned to the place of seizure at expense of owner.

Annual comparison of delinquent list and assessment books.

SEC. 141. The County Treasurer must annually, on the third Monday of February, attend at the office of the County Clerk with the delinquent list, and the County Clerk must then carefully compare the list with the assessment of persons and

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property not marked "paid" on the assessment book, and when taxes have been paid, he must note the fact in the appropriate column in the assessment book.

Oath of treasurer.

SEC. 142. The County Clerk must then administer to the County Treasurer an oath, to be written and subscribed in the delinquent list, that every person and all property assessed in the delinquent list on which taxes have been paid has been credited in the list with such payment.

County clerk to credit treasurer.

SEC. 143. The County Clerk must then foot up the amount of taxes remaining unpaid, and credit the Treasurer with the amount, and have a final settlement with him; and the delinquent list must remain in the County Clerk's office.

Affidavit of treasurer.

SEC. 144. At the time mentioned in this act, the Treasurer must make an affidavit, indorsed on the list, that the taxes not marked "paid," have not been paid, and that he has not been able to discover any property belonging to, or in possession of, the persons liable to pay the same whereof to collect them.

Refunding illegally collected taxes.

SEC. 145. Any taxes, per centum, and costs, paid more than once or erroneously or illegally collected, may by order of the Board of County Commissioners, be refunded by the County Treasurer, and the State's portion of such tax, percentage and costs, must be refunded to the county, and the State Auditor must draw his warrant therefor in favor of the county upon approval of the amount by the State Board of Examiners.

Double assessment.

SEC. 146. When the collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due, and make return of the facts under affidavit to the County Clerk.

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Discovery of irregular assessment.

SEC. 147. If the Treasurer discovers before the sale that on account of irregular assessment, or of any other assessment, any land ought not to be sold, he must not offer the land for sale; and the Board of County Commissioners must cause the Assessor to enter the uncollected taxes upon the assessment book of the next succeeding year, to be collected as other taxes entered thereon.

Error in name of owner not to vitiate sale.

SEC. 148. When land is sold for taxes correctly imposed as the property of a particular person, no misnomer of the owner, or supposed owner, or other mistake relating to the ownership theref affects the sale or renders it void or voidable.

Suit for taxes on personalty removed from county.

SEC. 149. If any person removes from one county to another after being assessed on personal property, the Treasurer of the county in which he was assessed may sue for and collect the same in the name of the State in the county where the assessment was made.

Evidence on trial.

SEC. 150. On the trial a certified copy of the assessment signed by the County Clerk of the county where the same was made with the affidavit of the Treasurer thereto attached, that the tax has not been paid, describing it as on the assessment book or delinquent list, is *prima facie* evidence that such a tax and the percentum are due and entitles him to judgment, unless the defendant proves that the tax was paid.

Sale of property assessed validly and invalidly.

Protest.

SEC. 151. Whenever property is advertised for sale for the non-payment of delinquent taxes and the assessment is valid in part and void for the excess, the sale must not for that cause be deemed invalid, nor any grant subsequently made thereunder be held to be insufficient to pass a title to the grantee, unless the owner of the property, or his agent, not less than sixty days before the time at which the prop-

HeinOnline -- 1891 118 1891

erty is advertised to be sold, delivers to the Treasurer, a protest in writing, signed by the owner or agent, specifying the portion of the tax which he claims to be invalid, and the ground upon which such claim is based.

Protest against sale of property.

SEC. 152. In case any owner of property advertised to be sold for delinquent taxes, at least six days before the time advertised for the sale to take place, delivers to the County Treasurer his protest in writing against such sale, signed by himself or his agent, claiming that his assessment is void in whole or in part, and if in part only, for what portion, and if either specifying the grounds upon which such claim is founded, it is the duty of the Treasurer either:

Duty of treasurer as to same

1. To sell the property assessed for the whole amount appearing upon the duplicate assessment book; or

2. Withdraw the property for sale, and report the case to the Board of County Commissioners for its direction in the premises; and in such case the Board may either release the property, direct the foreclosure of the lien of such tax by action, which proceeding is hereby authorized to be had or direct the Treasurer to proceed with the sale.

Property purchased by county for taxes.

SEC. 153. In case property assessed for taxes is purchased by the county, pursuant to provisions of this act, it must be assessed the next year for taxes in the same manner as if it had not been so purchased. But it must not be exposed for sale, and the sale thereof under such assessment must be adjourned until the time of redemption, under the previous sale, shall have expired.

Re-sale for subsequent taxes.

SEC. 154. In case an assessment is made under the provisions of the preceding section, and the lands are not redeemed from a previous sale had

HeinOnline -- 1891 119 1891

under this act as provided by law, no sale must be had under the assessment authorized by the next preceding section, unless directed by the Board.

Redemption of property purchased by county.

SEC. 155. In case property is sold to the county as purchaser pursuant to this act, and is subsequently assessed pursuant to this act, no person must be permitted to redeem from such sale, except upon payment also of the amount of such subsequent assessment, costs, fees and interest.

Disposition of redemption money.

SEC. 156. Whenever property sold to the county, pursuant to the provisions of this act, is redeemed as herein provided, the moneys received on account of such redemption must be distributed as follows: The original tax and twenty per cent, together with the interest penalty hereinbefore provided, paid in redemption must be apportioned between the State and county in the same proportion that the State tax bears to the county tax, and the balance must be paid to the county. The County Treasurer must keep an accurate account of all moneys paid in redemption of property sold to the county, and must on the first Monday of June, in each year, make a detailed report, verified by his affidavit, of each account, year for year, to the State Auditor, in such form as the State Auditor may desire. Whenever the county receives from the County Treasurer any grant of property so sold for taxes, the same shall be recorded, at the request of the County Treasurer, free of charge by the County Clerk, and shall be immediately reported by the County Treasurer to the Board of County Commissioners.

Duty of county treasurer as to redemptions from and deeds to county.

Sale of property held by county under tax deed.

SEC. 157. Whenever the county has become the purchaser of any real estate sold for delinquent taxes, and the same has not been redeemed by the person entitled to do so, and the time for such redemption has expired, the Board of County Commissioners may, at any time, by an order duly made

HeinOnline -- 1891 120 1891

and entered upon the minutes of its proceedings, sell the same at public auction, and the chairman of the Board is authorized to execute a deed therefor, vesting in the purchaser all the title of the State and the county to the real estate so sold. The money arising from such sale must be paid into the county treasury, and the Treasurer must settle for money so received as for other State and county money.

Disposition of proceeds.

SEC. 158. The Assessor and Treasurer are governed as to the amount of taxes to be by him collected on personal property by the State and county rate of the previous year.

Amount of taxes collectable on personalty.

SEC. 159. When the rate is fixed for the year in which such collection is made, then if the sum in excess of the rate has been collected, such excess shall not be apportioned to the State, but the whole thereof shall remain in the county treasury and must be repaid by the County Treasurer to the person from whom the collection was made, or to his assignee, on demand therefor.

Collection of excess.

SEC. 160. If a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected. The Assessor on the first Monday of each month must make a settlement with the County Clerk, and must pay into the County Treasury all the moneys collected by him for such taxes during the preceding month.

Deficiency in collection.

Monthly settlement of assessor.

SEC. 161. The County Clerk must, as soon as the "Assessment Book" for the year comes into his hands, note opposite the name of each person from whom taxes have been collected the amount thereof.

Clerk to enter payments of taxes.

SEC. 162. As soon as the rate of taxation for the year is fixed the County Clerk must note, in connection with the entry made under the preceding section, the amount of the excess or deficiency.

To enter excess or deficiency.

HeinOnline -- 1891 121 1891

Who is to pay poll tax.

SEC. 163. Every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, insane persons and Indians not taxed, must annually pay a poll tax of two dollars.

When collectable.

SEC. 164. Poll tax may be collected by the Assessor at any time during the year.

Blank receipts.

SEC. 165. The County Clerk must before the first Monday of March of each year cause to be printed blank poll tax receipts with stubs, for the use of the Assessor.

Duties of clerk as to.

SEC. 166. The Clerk must before the first Monday in March of each year:

1. Number and sign all the blank poll tax receipts.

2. At the time of signing make an entry of the whole number thereof, and of the first and last number placed thereon, in a book kept for that purpose.

3. Deliver all such blanks to the County Assessor and charge him therewith.

Assessor to demand poll tax.

SEC. 167. The Assessor must demand payment of poll tax of every person liable therefor, and on the neglect or refusal of such person to pay the same, he must collect by seizure and sale of any personal property owned by such person.

Seizure and sale of personalty.

Notice of sale.

SEC. 168. The sale may be made after three hours verbal notice of the time and place, and the provisions of this act apply to such seizure and sale.

Liability of debtor to delinquen.

SEC. 169. Every person indebted to one who neglects or refuses, after demand, to pay a poll tax, becomes liable therefor, and must pay the same for such other person after service upon him by the Assessor of a notice in writing, stating the name of such person.

HeinOnline -- 1891 122 1891

SEC. 170. Every person, corporation or association employing one or more persons subject to poll tax shall be liable after receiving notice from the Assessor in writing for any and all poll taxes that may be due from such employees, and may deduct the amount paid out for such poll tax from any sums due to such employees whether the wages are payable directly to such employees or to other persons who furnish such employees under contract.

Employers liable for.

SEC. 171. The Assessor may require the person or his agent or any other officer, agent or manager of any association or corporatian to make a verified statement showing the number and giving the names of the employees of such person, association or corporation, and if such statement is not furnished, the Assessor must make an estimate of the persons so employed and assess them, and such assessment is as valid as if made on a verified statement. The person, association or corporation refusing to make such verified statement forfeits the sum of five hundred dollars, which may be recovered in an action brought in the name of the State.

Assessor may require list of employees.

Penalty for refusal

SEC. 172. The Assessor, in case of a failure of the person, association or corporation to pay the poll tax in the manner mentioned in this act, must seize so much of the property of such person, association or corporation as will be sufficient to pay the poll tax and costs, and sell the same as provided in this act.

Seizure and sale of employer's property.

SEC. 173. Every officer authorized to draw the warrants for or to pay the salary or fees of any officer is the debtor of such officer within the meaning of the preceding section.

Liability of paymaster.

SEC. 174. Every person paying the poll tax of another may deduct the same from any indebtedness to such other person.

Debtor paying poll tax of creditor.

HeinOnline -- 1891 123 1891

Delivery of receipt.

SEC. 175. The Assessor must deliver the poll tax receipt, filled out with the name of the person owing the taxes, to the purchaser of the property at any such sale; in other cases he must deliver it, filled out in like manner, to the person paying the tax.

Evidence of.

SEC. 176. The receipt so delivered is the only evidence of payment.

Assessor's duty as to poll taxes collected.

SEC. 177. On the first Monday in each month the Assessor must make oath before the County Clerk of the total amount of the poll taxes collected by him during the last preceding month, and must, at the same time, settle with the County Clerk for the same, and pay into the County Treasurer's office the total amount of poll taxes collected, less the percentum allowed for fees.

Must return unused blanks.

SEC. 178. On the first Monday of December of each year the Assessor must return to the County Clerk all the poll tax receipts received by him and not used, and must make final settlement with the County Clerk and Treasurer therefor.

Must make roll of persons liable to tax.

SEC. 179. The Assessor must keep a roll of the names and local residence or place of business of all persons subject to or liable to poll tax, and, if paid, date and amount of each payment, and if not paid, cause of non payment.

Must deliver to county clerk.

SEC. 180. On the third Monday of January of each year the Assessor must deliver to the County Clerk the roll so made up, and the County Clerk must add to the total poll tax delinquent on such roll thirty-three and one-third percentum additional, and without delay deliver such list to the County Treasurer and charge him therewith.

Penalty to total amounnt delinquent.

SEC. 181. If any person assessed for a property tax has not paid to the Assessor the poll tax due from him, or for which he is liable, it consti-

HeinOnline -- 1891 124 1891

tutes a lien upon the property assessed to such person, to attach from the first Monday in March in each year, and must be collected in the same manner and at the same time as other taxes are collected.

Lien of poll tax.

SEC. 182. The proceeds of the poll tax must be paid the County Treasurer, as provided by law, for the exclusive use of the poor fund of the county.

Poll taxes for benefit of Poor Fund.

SEC. 183. Each County Treasurer shall at the expiration of every three months, render an account of and cause to be paid over to the State Treasurer the amount of all moneys collected for State purposes, and shall complete the collection of all lists delivered to him, and at the expiration of each fiscal year and at the expiration of his term of office, shall make final settlement with the County Commissioners of his county, who shall report to the State Treasurer immediately thereafter a correct statement of the amount found due the State, and the County Treasurer shall remit to him such amount. No mileage shall in any case be hereafter allowed to County Treasurers.

Duty of treasurer as to payments to State Treasurer.

Final settlement of accounts.

SEC. 184. If any County Treasurer shall fail to correct or render his account, as provided in the preceding section, it shall be the duty of the State Treasurer, and he is hereby authorized and required to commence proceedings for a forfeiture of his bond, and to recover the amount due from such Treasurer in an action to be had in the name of the State against the Treasurer and his sureties, which said bond must run jointly to the State and the county in which such Treasurer resides; and if such Treasurer should fail or refuse to prosecute them, any taxpayer in the State may commence such prosecution.

County treasurer to receive no mileage.

Failure to render account.

Suit on bond.

HeinOnline -- 1891 125 1891

County treasurer is collector.

SEC. 185. The Treasurer of each county in this State shall be by virtue of his office collector of taxes therein, and shall perform such other duties as are or may be hereafter prescribed law.

Reports.

SEC. 186. The County Clerk must at once transmit by mail to the State Auditor one copy of the report, and must file the other copy in his office.

Failure of clerk to transmit.

SEC. 187. Every County Clerk who fails to make and transmit the report required by this act, or any other report or statement herein required, forfeits all salary which would otherwise be due him from the county, and the County Commissioners must withhold such compensation.

Deduction in treasurer's settlement.

SEC. 188. In the settlement, the County Treasurer must deduct the State's portion of the repayments made under this act, and any other amount due the county or the officers thereof.

Entry of State Auditor on settlement of treasurer.

SEC. 189. The State Auditor must, after the County Treasurer has made settlement and payment, enter upon each copy of the County Clerk's report a statement showing:

1. The amount of money by the County Treasurer paid into the State treasury.

2. The amount deducted for commissions and other allowances.

And must then return one copy of the report to the County Treasurer.

Treasurer to file.

SEC. 190. The County Treasurer must file with the County Clerk of his county the copy returned to him by the State Auditor.

Who may examine books of tax collector.

SEC. 191. The State Auditor, as well as the State Examiner, may examine the books of any officer charged with the collection and receipt of State taxes.

HeinOnline -- 1891 126 1891

Failure in duty of officers as to revenue.

SEC. 192. If, on examination, it is found that any officer has been guilty of defrauding the State of revenue, or has neglected or refused to perform any duty relating to the revenue, the State Auditor must direct the Attorney General or County Attorney to prosecute the delinquent.

Correction of errors in assessment books.

SEC. 193. Omissions, errors or defects in form in any original or duplicate assessment book, when it can be ascertained thereform what was intended, may with the consent of the County Attorney be supplied or corrected by the Assessor at any time prior to the sale for delinquent taxes and after the original assessment was made.

In delinquent list and publication.

194. When the omission, error or defect has been carried into the delinquent list or any publication, the list or publication may be republished as amended, or notice of the correction may be given in a supplementary publication.

Supplemental publication.

SEC. 195. The publication must be made in the same manner as the original publication, and for not less than one week.

Initial letters and abbreviations.

SEC. 196. In the assessment of land, advertisement and sale thereof for taxes, initial letters, abbreviations and figures may be used to designate the township, range, sections or parts of section.

Informality in assessment, etc.

SEC. 197. No assessment or act relating to assessment or collection of taxes is illegal on account of informality, nor because the same was not completed within the time required by law.

Fines and forfeitures.

SEC. 198. The fines, forfeitures and penalties incurred by a violation of the provisions of this act must be paid into the treasury for the use of the county where the person against whom the recovery is had resided.

HeinOnline -- 1891 127 1891

Annual settlement of county officers.

SEC. 199. Every Assessor, County Attorney and County Treasurer must annually, on the first Monday of January, make a settlement with the County Clerk of all transactions connected with the revenue for the previous year.

Taxes assessed prior to this Act.

SEC. 200. All taxes assessed before this act takes effect must be collected under the laws in force at the time the assessment was made, and in the same manner as if this act had not been passed.

Deputy assessors.

SEC. 201. The Board of County Commissioners may allow the Assessor such a number of deputies, to be appointed by him, as will, in the judgment of the Board, enable the Assessor to complete the assessment within the time prescribed by law, not exceeding two in any county.

Compensation.

SEC. 202. The Board must fix the compensation of the deputies so allowed, and such compensation must be paid out of the general fund in the County Treasury. The compensation must not exceed $5 per day for each deputy for the time actually engaged, nor must any allowance be made (but?) for work done between the first Monday in April and the second Monday in July of each year.

Assessment of personality after regular assessment.

SEC. 203. When any personal property liable to taxation is brought into a county at any time, and such property has not been assessed for that year, it must be listed and assessed the same as if it had been in the county at the time of the regular assessment, and the tax must be collected by the Assessor, as provided in this act, at any time.

Collection of taxes.

When injunction lies to restrain collection of taxes.

SEC. 204. No injunction must be granted by any Court or Judge to restrain the collection of any tax or any part thereof, nor to restrain the sale of any property for the non-payment of taxes, except:

1. Where the tax, or the part thereof sought to be enjoined, is illegal, or is not authorized by law.

HeinOnline -- 1891 128 1891

2. Where the property is exempt from taxation.

To affix affidavit.

SEC. 205. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 206. This act shall take effect and be in force from and after its passage; *Provided*, The time for the performance of the duties or requirements enumerated in section 43 of this act is hereby extended for a period of sixty days for the year 1891 only. The date for the meeting of the Board of Appraisers, as required in section 58, shall be on or before the first Monday in April for the year 1891 only. The County Clerk shall perform the duties prescribed in sections 165 and 166 immediately upon the passage of this act.

When Act to take effect.

APPROVED March 6, 1891.

APPROPRIATION FOR EXPENSES OF STATE.

An Act to Appropriate Money for the Ordinary Expenses of the State Government for the Fiscal Years Ending December 1, A. D. 1891 and December 1, A. D. 1892.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for the objects hereinafter expressed, for the fiscal year, ending December 1, A. D. 1891, and for the fiscal year, ending December 1, A. D. 1892, respectively:

State Board of Equalization, traveling and office expenses, one thousand ($1,000) dollars.

State Board of Equalization, clerk hire twelve hundred ($1,200) dollars.

HeinOnline -- 1891 129 1891

State Board of Pardons, traveling and office expenses three hundred ($300) dollars.

State Board of Pardons, clerk hire five hundred ($500) dollars.

State Board of Prison Commissioners, traveling and office expenses, three hundred ($300) dollars.

State Board of Land Commissioners, traveling and office expenses, fifteen hundred ($1,500) dollars.

Selecting, platting, leasing, conveying and procuring patent to lands granted to the State by Congress for educational purposes, fifteen thousand ($15,000) dollars.

State Board of Land Commissioners, clerical asistance, fifteen hundred ($1,500) dollars.

Repairs on State Arsenal, two hundred and fifty ($250) dollars.

For payment of bounties for killing of stock destroying animals, twelve thousand ($12,000) dollars.

Stationery and office supplies for State officers, two thousand ($2,000) dollars.

Public printing of all kinds (except the Codes) and printing for both Houses for 1891, thirteen thousand ($13,000) dollars.

For payment of extra clerical help for the office of Secretary of State, three hundred ($300) dollars.

SEC. 2. At the end of each fiscal year the moneys appropriated for any specific purpose herein, not drawn out of the treasury on account thereof shall by the Treasurer be immediately covered into the general fund.

APPROVED March 6th, 1891.

APPROPRIATIONS FOR DEPARTMENTS OF STATE GOVERNMENT.

An Act to Appropriate Money for the Executive Legislative and Judicial Departments for the Fiscal Years Ending December 1, A. D., 1891, and December 1, 1892.

HeinOnline -- 1891 130 1891

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated for the objects hereinafter expressed for the fiscal year ending December 1, A. D., 1891, and for the fiscal year ending December 1, A. D., 1892, respectively.

For the fiscal year ending December 1, A. D. 1891:

EXECUTIVE DEPARTMENT.

Salary of Governor, five thousand dollars; salary of Secretary of State, three thousand dollars; salary of Attorney General, three thousand dollars; salary of State Treasurer, three thousand dollars; salary of State Auditor, three thousand dollars; salary of Superintendent of Public Instruction, twenty-five hundred dollars; Governor's Secretary, twelve hundred dollars; Governor's office (annual appropriation), including janitor's fees and furniture, five hundred dollars, Secretary of State, clerk hire, twelve hundred dollars; Secretary of State, office expenses, including janitor's fees and furniture, five hundred dollars, Attorney General's office expenses,including janitor's fees and furniture, two hundred and fifty dollars; State Treasurer, clerk hire, three hundred dollars; State Treasurer's office expenses, including janitor's fees and furniture, two hundred and fifty dollars; State Auditor, clerk hire, twelve hundred dollars; State Auditor's office expenses, including janitor's fees and furniture, two hundred and fifty dollars; Superintendent of Public Instruction, traveling expenses, five hundred dollars; office expenses of Superintendent of Public Instruction, including janitor's fees and furniture, two hundred and fifty dollars; rent for State offices, three thousand dollars; requisitions, one thousand dollars; rewards, two thousand dollars; total amount appropriated for the Executive Department, thirty-one thousand nine hundred dollars.

HeinOnline -- 1891 131 1891

LEGISLATIVE DEPARTMENT.

Senate.

Per diem of sixteen members at six dollars per day for sixty days, five thousand seven hundred and sixty dollars; per diem of Lieutenant Governor, six hundred dollars; mileage of Lieutenant Governor and members, one thousand and thirty dollars; officers and employes, forty-two hundred dollars; rent of assembly room, five hundred and fifty dollars; incidentals, five hundred dollars.

House.

Per diem of fifty-five members at six dollars per day for sixty days, nineteen thousand eight hundred dollars: mileage of members, twenty-eight hundred and twenty-five dollars; officers and employes, fifty-six hundred dollars; rent of assembly room, three hundred dollars; incidentals, eight hundred dollars, including extra four dollars per diem allowed the Speaker. Total appropriated for the Legislative Department, forty-one thousand nine hundred and sixty-five dollars.

JUDICIARY DEPARTMENT.

Three Justices of the Supreme Court, four thousand dollars each; eight District Judges, thirty-five hundred dollars each; rent of offices for Justices of the Court, eighteen hundred dollars; one-half salaries of County Attorneys, thirteen thousand dollars; office expenses of each Justice, including furniture and janitor's fees, one hundred and thirty-three dollars and thirty-three cents; office expenses of Clerk of Supreme Court, two hundred and fifty-five dollars. Total amount appropriated for the Judicial Department, fifty-five thousand four hundred and forty dollars; and total amount appropriated for all of

HeinOnline -- 1891 132 1891

the above named departments for the fiscal year ending December 1, 1891, one hundred and twenty-nine thousand three hundred and fifteen dollars.

For the fiscal year ending December 1, A. D., 1892:

EXECUTIVE DEPARTMENT.

Salary of Governor, five thousand dollars; salary of Secretary of State, three thousand dollars; salary of Attorney General three thousand dollars; salary of State Treasurer three thousand dollars; salary of State Auditor, three thousand dollars; salary of Superintendent of Public Instruction, twenty-five hundred dollars; Governor's Secretary, twelve hundred dollars; Governor's office (annual appropriation) including janitor's fees and furniture five hundred dollars; Secretary of State, clerk hire, twelve hundred dollars; Secretary of State, office expense including janitor's fees and furniture, five hundred dollars; Attorney General's office expenses, including janitor's fees and furniture, two hundred and fifty dollars; State Treasurer's clerk hire, three hundred dollars; State Treasurer's office expenses, including janitor's fees and furniture, two hundred and fifty dollars; State Auditor, clerk hire, twelve hundred dollars; State Auditor's office expenses, including janitor's fees and furniture, two hundred and fifty dollars; Superintendent of Public Instruction, traveling expenses, five hundred dollars; office expenses of Superintendent of Public Instruction, including janitor's fees and furniture, two hundred and fifty dollars; rent for State offices, three thousand dollars; requisitions, one thousand dollars; rewards, two thousand dollars; total amount appropriated for the Executive Department thirty-one thousand nine hundred dollars.

HeinOnline -- 1891 133 1891

JUDICIARY DEPARTMENT.

Three Justices of the Supreme Court, four thousand dollars each; eight District Judges, thirty-five hundred dollars each; rent of offices for Justices of the Court eighteen hundred dollars; one-half salaries of County Attorneys, thirteen thousand dollars; office expenses of each Justices, including furniture and janitor's fees, one hundred and thirty-three dollars and thirty-three cents; office expenses of Clerk of Supreme Court, two hundred and fifty dollars; total amount appropriated for the Judiciary Department, fifty-five thousand four hundred and fifty dollars, and total amount appropriated for all of the above named departments for the fiscal year ending December 1, A. D. 1892, eighty-seven thousand three hundred and fifty dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1891.

APPROPRIATION FOR SALARIES OF CERTAIN DISDRICT JUDGES AND MINERAL LAND COMMISSIONER.

An Act to Appropriate Money for the Payment of the Salaries of Certain District Judges, and the Salary and Expenses of the Mineral Land Commissioner.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the following named purposes:

HeinOnline -- 1891 134 1891

For the additional District Judge of the First Judicial District, three thousand five hundred dollars.

For the additional District Judge of the Second Judicial District, three thousand five hundred dollars.

For the District Judge of the Ninth Judicial District, three thousand five hundred dollars.

For the District Judge of the Tenth Judicial District, three thousand five hundred dollars.

For the salary of the Mineral Land Commissioner, three thousand dollars.

For the expenses of the Mineral Land Commissioner, three thousand dollars.

APPROVED March 5, 1891.

TRANSFER OF FUND FOR STOCK INSPECTOR, ETC.

An Act Authorizing the State Treasurer to Make a Transfer of Certain Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the Treasurer of the State of Montana is hereby authorized and it is made his duty to transfer upon his books the sum of five thousand dollars ($5,000) from the stock indemnity fund to the Stock Inspector and detective fund.

SEC. 2. This act shall take effect and be in force from and after June 1, 1891.

APPROVED March 4, 1891.

HeinOnline -- 1891 135 1891

APPROPRIATION FOR STATE BOILER INSPECTOR AND ASSISTANT.

An Act Appropriating Money to Pay the Salaries, Office and Traveling Expenses of the Boiler Inspector and Assistant Boiler Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1st, A. D. 1891, and December 1st, A. D. 1892, respectively, the sum of seven thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the salaries, office and traveling expenses of the Boiler Inspector and Assistant Boiler Inspector.

APPROVED March 6, 1891.

APPROPRIATION FOR INSPECTOR AND DEPUTY INSPECTOR OF MINES.

An Act Appropriating Money to Pay the Salaries, Office and Traveling Expenses of Inspector and Deputy Inspector of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1, A. D. 1892, respectively, the sum of four thousand four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the salaries, office and traveling expenses of the Inspector and Deputy Inspector of Mines.

APPROVED February 23, 1891.

HeinOnline -- 1891 136 1891

APPROPRIATION FOR SALARY AND EXPENSES OF VETERINARY SURGEON.

An Act Appropriating Money to Pay the Salary, Office and Traveling Expenses of the Veterinary Surgeon.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1, A. D. 1892, respectively, the sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salary, office and traveling expenses of the Veterinary Surgeon.

APPROVED February 23, 1891.

APPROPRIATION FOR STATE MILITIA.

An Act Appropriating Money for the Support of the National Guard of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1, A. D. 1892, respectively, the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the support of the National Guard of Montana, to-wit:

HeinOnline -- 1891 137 1891

For the companies, thirteen in number, sixty-five hundred dollars.

For the salary of the adjutant general, five hundred dollars.

For salary of ordinance officer, three hundred dollars.

For all other expenses, twenty-seven hundred dollars.

APPROVED February 26, 1891.

APPROPRIATION FOR INSANE PERSONS.

An Act Appropriating Money to Pay for the Care, Custody, Maintenance and Treatment of the Insane.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1, A. D. 1892, respectively, the sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the care, custody, maintenance and treatment of the insane.

APPROVED February 23, 1891.

HeinOnline -- 1891 138 1891

APPROPRIATION FOR DEAF, FEEBLE-MINDED AND BLIND CHILDREN.

An Act Appropriating Money to Pay the Expenses of the Education and Transportation of Deaf Mutes, Feeble-Minded and Blind Children.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1 A. D. 1892, respectively, the sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the expenses of the education and transportation of deaf mutes, feeble-minded and blind children.

APPROVED February 19, 1891.

APPROPRIATION FOR SUPPORT OF CONVICTS,

An Act Appropriating Money to Pay for the Care, Custody and Maintenance of Prisoners Confined in the State Prison.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1, A. D. 1892, respectively, the sum of sixty thousand

HeinOnline -- 1891 139 1891

dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the care, custody and maintenance of prisoners cenfined in the State Prison.

APPROVED February 26, 1891.

APPROPRIATION FOR EXPENSES OF CONVICTS.

An Act Appropriating Money to Pay the Expenses of the Transportation, Care, Custody and Maintenance of Convicts Confined in County Jails.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891 and December 1, A. D. 1892, respectively, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the expenses of transportation, and the care, custody and maintenance of convicts confined in County jails.

APPROVED February 19, 1891.

APPROPRIATION FOR STATE LAW LIBRARY.

An Act Appropriating Money for the benefit of the Montana Law Library.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby ap-

HeinOnline -- 1891 140 1891

propriated out of any money in the State Treasury not otherwise appropriated, for the benefit of the Montana Law Library, to-wit:

For Insurance purposes, three hundred and sixty dollars.

For the purchase of books for the year 1891, one thousand dollars.

For the purchase of books for the year 1892, one thousand dollars.

APPROVED March 2, 1891.

APPROPRIATION FOR SUPPORT OF STATE LAW LIBRARY.

An Act Appropriating Money for the Support of the Montana Law Library.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for each of the fiscal years ending December 1, A. D. 1891, and December 1, A. D. 1892, respectively, the sum of fourteen hundred and eighty dollars, or somuch thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the support of the Montana law library, of which said sum, one thousand and eighty dollars, or so much thereof as may be necessary, is appropriated for the payment of the salary of the State Librarian.

APPROVED March 7, 1891.

HeinOnline -- 1891 141 1891

APPROPRIATION FOR INSURANCE OF STATE PROPERTY.

An Act to Appropriate Money to Pay the Expense of Caring for Certain State Property and Insurance of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one hundred dollars per month for each of the months of the fiscal years ending December 1, A. D. 1891 and December 1, A. D. 1892, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of enabling the Governor to pay the expenses of properly caring for the State Armory and of all furniture and property belonging to the State and used by the Legistative Assembly, and to pay for the insurance of the same.

APPROVED March 5, 1891.

PROVISION FOR DISCHARGED CONVICTS.

An Act Entitled "An Act to Appropriate Money to Provide Each Prisoner Discharged from the State Prison with a Suit of Clothing and the Payment in Cash Provided by Law".

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The sum of twenty-five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys

HeinOnline -- 1891 142 1891

in the State Treasury not otherwise appropriated, for the purpose of providing each prisoner discharged from the State Prison with a suit of clothing and five dollars in cash, as provided for by law.

APPROVED March 7, 1891.

UNUSED APPROPRIATIONS.

An Act to Cover Certain Surplus Moneys Back into the State Treasury.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That all moneys now or hereafter appropriated for any specific purpose, shall, after the expiration of the time for which so appropriated, be covered back into the several funds from which originally appropriated.

APPROVED March 7, 1891.

HeinOnline -- 1891 143 1891

RELIEF APPROPRIATIONS.

RELIEF OF MITCHELL AND MUSSIGBROD.

An Act Appropriating Certain Moneys for the Care and Maintenance of the Insane.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of eighty-four thousand three hundred sixty-seven and thirty-two one-hundredth dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated to be paid to A. H. Mitchell and C. F. Mussigbrod for the care and maintenance of the insane from January 1, A. D. 1890 to February 1, A. D. 1891, and the State Auditor is hereby required to draw his warrant on the State Treasurer in favor of said A. H. Mitchell and C. F. Mussigbrod for the said sum of eighty-four thousand three hundred sixty-seven and thirty-two one-hundreth dollars or so much thereof as may be necessary for such purpose.

APPROVED February 21, 1891.

HeinOnline -- 1891 144 1891

RELIEF OF CONLEY AND McTAGUE.

An Act to Allow Frank Conley and Thomas McTague Interest upon Their Claim Against the State of Montana for Keeping and Maintenance of State Convicts; also Payment for Improvements, Additions and Repairs made by said Conley and McTague in and to the State Penitentiary at Deer Lodge, Montana.

Be it enacted by the Legislative Assembly of the State of Montana.

SECTION 1. That there is hereby appropriated out of any moneys now in the hands of the Treasurer of the State of Montana not otherwise appropriated, a sum sufficient to pay to Frank Conley and Thomas McTague interest at the rate of six per cent per annum on the amount due to them from the State of Montana for the keeping and maintenance of the convicts of the State of Montana; also a sum sufficient to pay them for all improvements, additions and repairs made by them at their personal expense, in and to the property comprised in the holding of the State Penitentiary at Deer Lodge, Montana, during their incumbency as contractors and keepers thereof.

SEC. 2. That upon the passage of this act the said Frank Conley and Thomas McTague shall make a detailed statement to the Governor of the State of Montana of the amount due them for keeping the convicts of the State together, with a statement of the amount due them at the end of each month from the first day of March, A. D. 1890, until paid. That there shall be allowed to the said Conley and McTague interest at the rate of six per

HeinOnline -- 1891 145 1891

cent per annum upon such monthly balances, from the first day of the month upon which the same is found to be due up to the date of the payment of the same.

SEC. 3. Such statement shall be examined by the Governor of the State, and, if found correct, shall be so certified by him to the State Treasurer, who shall thereupon pay to the said Conley and McTague interest upon the said several amounts from the first day of the month when the same became due to the date of their payment, at the rate of six per cent per annum.

SEC. 4. That upon the passage of this act there shall be appointed by the Governor of the State a committee to inspect and value all improvements, additions and repairs made by said Conley and McTague, as aforesaid. The said committee shall make a detailed statement of the same to the Governor of the State, together with the amount of valuation placed thereon by them. Such statement shall be examined by the Governor, and, if approved, shall be so certified by him to the State Treasurer, who shall thereupon pay to the said Frank Conley and Thomas McTague the amount so certified in said statement.

APPROVED March 4, 1891.

RELIEF OF MITCHELL AND MUSSIGBROD.

An Act to Allow Armistead H. Mitchell and Charles F. Mussigbrod Interest Upon their Claim Against the State of Montana for the Care and Maintenance of the Insane.

HeinOnline -- 1891 146 1891

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any moneys now in the hands of the Treasurer of the State of Montana a sum sufficient to pay Charles F. Mussigbrod and Armistead H. Mitchell, interest at the rate of six per cent per annum, on the amount due to them from the State of Montana for the keeping and maintenance of the insane of the State of Montana.

SEC. 2. That upon the passage of this act the said Armistead H. Mitchell and Charles F. Mussigbrod shall make a detailed statement to the Governor of the State of Montana of the amount due to them for keeping the insane of the State, together with a statement of the amount due at the end of each month, from the first day of January, A. D. 1890, until paid. That there shall be allowed to the said Mitchell and Mussigbrod interest at the rate of six per cent per annum upon such monthy balances, from the last day of the month upon which the same is found to be due up to the date of the payment of the same.

SEC. 3. Such statement shall be examined by the State Board of Examiners and if found to be correct, shall be so certified by them to the State Treasurer, who shall thereupon pay to the said Mitchell and Mussigbrod interest on the said several amounts, from the last day of the month when the same became due to the date of their payment, at the rate of six per cent per annum.

APPROVED March 4, 1891.

HeinOnline -- 1891 147 1891

RELIEF OF CONLEY AND McTAGUE.

An Act Appropriating Certain Moneys to Pay for the Care and Keeping of State Convicts.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of forty-nine thousand eight hundred and fifty-eight and forty-five one-hundredth dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated to be paid to Frank Conley and Thomas McTague for the care and keeping of State convicts in the penitentiary at Deer Lodge from March 1, A. D. 1890 to February 1, A. D. 1891, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said Frank Conley and Thomas McTague for the said sum of forty-nine thousand eight hundred and fifty-eight and forty-five one-hundredth dollars.

APPROVED February 24, 1891.

RELIEF OF CERTAIN MEMBERS AND EMPLOYEES OF FIRST LEGISLATIVE ASSEMBLY.

An Act Appropriating Money to Pay the Salaries of the Officers and Members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the Mileage of Said Members of Said Session.

HeinOnline -- 1891 148 1891

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salaries of the officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the mileage of said members at said session.

SEC. 2. That the following named officers and attaches be paid the sums set after their names out of the sum appropriated in section 1:

Rickards, J. E., President of the Senate	$360 00
Blakely, C. P., Speaker	360 00
Witter, A. C., Speaker	360 00
Cooney, Ed., Assistant Chief Clerk	180 00
Smith, A. C., Assistant Chief Clerk	90 00
Finlan, Miles, Sergeant-at-Arms	180 00
Green, Wm., Assistant Sergeant-at-Arms	90 00
Gibbs, Chas. B., Ass't Sergeant-at-Arms.	190 00
Hocking, S. J., Chaplain	135 00
Webb, F. T., Chaplain	80 00
Warmington, Harry, Doorkeeper	90 00
Fortune, Vincent, Engrossing Clerk	90 00
Cook, W. M., Engrossing Clerk	111 00
Wells, Jas. B., Engrossing Clerk	9 00
Ryan, Emmett, Enrolling Clerk	90 00
Owens, E. T., Day Watchman	90 00
Hooper, B. F., Day Watchman	100 00
Sherman, Morgan, Night Watchman	90 00
Cunningham, Mrs. M., Committee Clerk	100 00
Ryan Felix, Page	90 00
Langhorne, Morris, Page	90 00
Cochran, Frank, Page	150 00
Pope, Wm., Page	22 00

HeinOnline -- 1891 149 1891

Gilbert, Frederick, Chief Clerk	900 00
Hoopes, P., Assistant Clerk	180 00
McGuirk, M., Sergeant-at-Arms	270 00
Kelly, J. T., Clerk	470 00
Berry, G. K., Chaplain	360 00
Jackson, R. A., Watchman	180 00
Brown, A. P., Committee Clerk	75 00
Noonan, Miss Anna, Committee Clerk	355 00

SEC. 3. That the following named members of the Senate be paid the sums set after their names out of the sum appropriated in section 1:

Baker, J. A., per diem as Senator	$234 00
Becker, W. S., per diem as Senator	222 00
Hennessy, D. J., per diem as Senator	234 00
Hoffman, C. W., per diem as Senator	234 00
McNamara, C. J., per diem as Senator	234 00
Parberry, Wm., per diem as Senator	234 00
Redd, R. G., per diem as Senator	234 00
Thornton, W. M., per diem as Senator	234 00

APPROVED March 2, 1891.

RELIEF OF MISS JESSIE P. STAFFORD.

An Act Appropriating Money for the Relief of Jessie P. Stafford for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of six hundred thirty-three and one-third dollars ($633⅓), to be paid to Jessie P. Stafford, to compensate her in full for services rendered the State of Montana, at the re-

HeinOnline -- 1891 150 1891

quest and under the direction of L. Rotwitt, Secretary of the said State of Montana, from the first day of August, 1890, to the tenth day of February, 1891. And the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said Jessie P. Stafford for the said sum of six hundred and thirty-three and one-third dollars ($633\frac{1}{3}$).

APPROVED February 25, 1891.

RELIEF OF A. P. BROWN.

An Act Appropriating Money for the Relief of A. P. Brown for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of one thousand sixty-six and two-thirds dollars ($\$1,066\frac{2}{3}$) to be paid to A. P. Brown, to compensate him in full for services rendered the State of Montana, at the request and under the direction of the State Board of Equalization of the said State of Montana from the first day of March, 1890, to the twentieth day of January, 1891, inclusive.

And the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said A. P. Brown for the said sum of one thousand sixty-six and two-thirds dollars ($\$1,066\frac{2}{3}$).

APPROVED February 25, 1891.

HeinOnline -- 1891 151 1891

APPROPRIATION FOR BOUNTY CLAIMS.

An Act to Appropriate Money for the Payment of Bounty Claims.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of six thousand and forty-seven and sixty one-hundreth dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying bounty claims now due against the State.

APPROVED March 7, 1891.

APPROPRIATION FOR NATIONAL GUARD OF MONTANA.

An Act Appropriating Money for the Payment of Officer, Company and Regimental Band Claims of the National Guard of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there be and is hereby appropriated out of any money in the State Treasury not otherwise appropriated the following sum sixty-seven hundred and fifty dollars ($6,750.00), or so much thereof as may be necessary to pay the com-

HeinOnline -- 1891 152 1891

pany and regimental band claims of the National Guard of Montana for the fiscal year ending December first, 1890.

SEC. 2. For the salary of ordnance officer for the fiscal year ending December 1, 1890, ($300) three hundred dollars.

APPROVED March 6, 1891.

APPROPRIATION FOR RELIEF OF A. C. WITTER'S HEIRS.

An Act for the Relief of the Heirs of A. C. Witter.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the State Auditor be authorized, and he is hereby empowered, to draw his warrant for the sum of one hundred and ninety-eight dollars in favor of the heirs of A. C. Witter, for thirty-three days' pay as a member of the State Legislature, and the State Treasurer is hereby authorized to pay the same.

APPROVED March 7, 1891.

APPROPRIATION FOR RELIFF OF CERTAIN PERSONS.

An Act Appropriating Money for the Relief of A. C. Witter and Others.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of five thousand five hundred and twenty-five dollars, or so much there-

HeinOnline -- 1891 153 1891

of as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of the following named persons:

For A. C. Witter, two hundred and forty dollars.

For A. F. Bray, three hundred and eighty-nine dollars and sixty cents.

For P. R. Dolman, three hundred and eighty-nine dollars and sixty cents.

For Joseph Hogan, three hundred and eighty-nine dollars and sixty cents.

For J. W. Gilligan, three hundred and eighty-nine dollars and sixty cents.

For T. F. Courtney, three hundred and eighty-nine dollars and sixty cents.

For Benjamin Webster, six hundred dollars.

For John R. Eardly, four hundred and eighty dollars.

For S. N. Nicholson, four hundred and eighty dollars.

For C. B. Gibbs, three hundred and sixty dollars.

For B. F. Hooper, three hundred dollars.

For Alex. McInnis, three hundred dollars.

For F. T. Webb, two hundred and forty dollars.

For Frank Cochran, two hundred and forty dollars.

For Eddie Boos, two hundred and forty dollars.

For H. M. Brown, twenty-five dollars.

For P. Campbell, thirty-six dollars.

For Douglas Sampson, ten dollars.

SEC. 2. That act shall take effect and be in force from and after its passage.

APPROVED February 25, 1891.

HeinOnline -- 1891 154 1891

RELIEF OF R. G. HUMBER.

An Act Appropriating a Certain Sum of Money for the Relief of R. G. Humber.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to R. G. Humber, the sum of one hundred and sixty dollars ($160), and the State Auditor is hereby authorized and directed to draw his warrant for said amount in favor of said R. G. Humber.

APPROVED March 4, 1891.

RELIEF OF CHARLES M. JEFFERIS.

A Bill for an Act to Cover Deficiencies in the Appropriation Made for the Payment of Attaches and Employees of the Senate and Chas. M. Jefferis for Services Performed as Deputy Sergeant-at-Arms of the Senate of the First Legislative Assembly of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of one thousand dollars or so much thereof as may be necessary to cover deficiencies in the amount appropriated for

HeinOnline -- 1891 155 1891

the payment of attaches and employees of the Senate of the Second Legislative Assembly and also to pay Chas. M. Jefferis the sum of one hundred and ninety-five dollars for services rendered as Deputy Sergeant-at-Arms of the Senate of the First Legislative Assembly of Montana.

APPROVED March 6, 1891.

RELIEF OF C. R. REARDON AND OTHERS.

An Act Providing Money for the Relief of C. R. Reardon and Others.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That for services rendered the State of Montana, the following sums are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the following named persons, to-wit:

C. R, Reardon, incident expenses of the House of Representatives, sixteen dollars and five cents.

I. G. Baker & Co., bounty claims, two thousand one hundred and thirty-five dollars.

Frank Martin, carpenter work in Power Block, forty dollars.

B. F. Hooper, fixing up House of Representatives and Senate, 1890 and 1891, washing, scrubbing, hauling furniture, etc., one hundred and sixty-one dollars.

A. P. Curtin, furniture for Legislative halls 1890 and 1891, sixteen hundred and thirty-one dollars.

Steam Carpet Cleaning Company, bill for cleaning carpets, nine dollars and sixty cents.

HeinOnline -- 1891 156 1891

E. L. Flaherty, draping hall, etc. thirty-five dollars.

Helena Independent, Daily Independent for Legislature, 1890, one hundred and sixty-two and one-half dollars.

Clark, Conrad & Curtin, stoves for Legislature, eighty dollars and fifty-five cents.

B. F. O'Neal, Choteau County, board and transportation of prisoners, eighteen hundred and forty-three dollars.

James Hamilton, Sheriff of Cascade County, board and transportation of prisoners, sixteen hundred and forty-eight dollars and forty cents.

George B. Childs, bills for services of attaches of the Legislature of 1890, twenty-seven hundred and ninety-one dollars.

McKenzie Coal Company, furnishing coal to Legislature, 1890, one hundred and sixty-one dollars and seventy-eight cents.

C. K. Wells, supplies for Democratic House, 1889 and 1890, one hundred and forty-three dollars and forty-three cents.

R. H. Kleinschmidt, rent of Granite Block, Legislature, 1890, three hundred and seventy-five dollars.

Daily and Weekly Missoulian, publishing notice of Board of Pardons in case of Philip Johnston, eight dollars.

E. E. Evans, services as stenographer of Republican House, twenty days at five dollars per diem, one hundred dollars.

Annie A. Cochran, services as typewriter in re. Sperling et al., forty-eight dollars.

W. G. Dougherty, repairs on House of Representatives, two hundred and ninety-five dollars and ninety-nine cents.

Bach, Cory & Co., bill of stoves, chairs etc., for Republican House of 1890, one hundred dollars and sixty-five cents.

HeinOnline -- 1891 157 1891

Review Publishing Company, notice of Board of Pardons in case of Herbert Mellen, six dollars.

R. H. Rleinschmidt, rent of Iron Block for Legislature of 1890, one hundred and fourteen dollars and fifty cents.

Charles K. Wells, stationery for House and Senate, 1891, seven hundred and seventy-one dollars and nine cents.

Miner Publishing Company, papers furnished to Constitutional Convention and First Legislative Assembly, two hundred and ninety-six dollars.

Joseph Davis, J. W. Thompson et al., advanced money to complete Armory, six thousand two hundred and fifteen dollars and eight cents.

Frank S. Lang, bill of stoves, hardware, chandeliers for Legislature, 1890 and 1891, two hundred and thirty-eight dollars and thirty-five cents.

Thomas McTague, transportation of prisoners on writ of habeas corpus, forty dollars.

A. W. Ide, sixty dollars.

H. M. Parchen & Co., two dollars and thirty cents.

H. L. Frank, twenty dollars.

B. F. Hooper, ten dollars and one-half dollars.

Annie B. Keeler, five dollars.

William Zastrow, eighteen dollars.

B. F. Hooper, thirty-one dollars and seventy-five cents.

Blackburn & Middlemas, twenty-nine dollars and forty-five cents.

May Southmayd, six dollars.

Frank P. Dolan, sixty dollars.

C. D. Curtis, seven hundred and twenty-one dollars and eighty cents.

Stockman's National Bank, seven hundred and forty-nine dollars.

Inter Mountain Publishing Company, thirteen dollars and fifty cents.

HeinOnline -- 1891 158 1891

W. G. Dougherty, twenty-five dollars and thirty cents.

Thomas Cruse, thirty-five dollars.

Sturrock & Brown, forty-five dollars and sixty cents.

Western Union Telegraph Company, seven dollars and seventy-seven cents.

G. M. Bleeker, one hundred dollars.

F. C. Crounse, three hundred and sixty dollars.

S. R. Douglas, thirty-four dollars and ninety cents.

R. A. Donald, twelve dollars.

E. G. Worden, twenty-one dollars.

C. D. Curtis, one hundred and five dollars.

Don. Davenport, twelve dollars and sixty cents.

Northern Pacific Railroad Company, twenty-six dollars and thirty-six cents.

Northern Pacific Express Company, one hundred and forty-eight dollars.

A. E. Veazie, thirty-six dollars.

Thomas P. Fuller, one dollar and ninety cents.

Williams, Thurber & Co., eleven dollars.

R. J. Miller, thirty dollars and eighty cents.

APPROVED March 7, 1891.

RELIEF OF JOURNAL PUBLISHING COMPANY.

An Act to Allow the Journal Publishing Company Interest Upon their Claim against the State of Montana for the Public Printing and Supplies Furnished.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any moneys in the Treasury of the State of

HeinOnline -- 1891 159 1891

Montana a sum sufficient to pay the Journal Publishing Company interest at the rate of six per cent per annum on the amount due them from the State of Montana, for the public printing and supplies furnished to the State of Montana.

SEC. 2. That upon the passage of this act the said Journal Publishing Company shall make a detailed statement to the State Board of Examiners of Montana, of the amount due to them for public printing and supplies furnished to the State, together with a statement of the amount due at the end of each month, from the first day of March, A. D. 1890, until paid. That there shall be allowed to the said Journal Publishing Company interest at the rate of six per cent per annum upon such monthly balances, from the last day of the month upon which the same is found to be due up to the date of the payment of the same.

SEC. 3. Such statement shall be examined by the State Board of Examiners of Montana, and if found to be correct shall be so certified by them to the State Treasurer, who shall thereupon pay to said Journal Publishing Company interest on the said several amounts, from the last day of the month when the same became due to the date of their payment, at the rate of six per cent per annum.

APPROVED March 7, 1891.

HeinOnline -- 1891 160 1891

APPROPRIATION FOR CERTAIN CLAIMS.

An Act to Provide for the Payment of all Claims against the State Approved by the State Board of Examiners and Reported to the Second Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of forty-four thousand six hundred forty-eight and nineteen one-hundredth dollars, be and the same is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, for the payment of all claims against the State, approved by the State Board of Examiners and reported to the Second Legislative Assembly.

SEC. 2. That in payment of said claims the Auditor is hereby directed to draw his warrants upon the State Treasurer in favor of the following persons and for the following amounts set opposite their respective names:

A. M. Roberts, one thousand and thirty-three dollars and thirty-three cents.

C. P. Connolly, two thousand three hundred and forty-three dollars.

M. L. Mason, eight hundred and sixty-six dollars and sixty-six cents.

Independent Publishing Company, two thousand two hundred and thirty dollars and thirty-eight cents.

Journal Publishing Company, seven thousand nine hundred and nine dollars and ninety-eight cents.

William Zastrow, six hundred and eighty dollars.

HeinOnline -- 1891 161 1891

William Rumsey, six hundred and fifty dollars.

Louis DeLestry, four hundred dollars.

J. R. Miller, four hundred dollars.

R. O. Hickman, seven hundred and sixty-one dollars and thirteen cents.

County Commissioners Lewis and Clarke County, four thousand five hundred and fifty-five dollars.

Merchants National Bank, Helena, two thousand four hundred and eighty-eight dollars and fifty cents.

W. H. Orr, seventy-three dollars and ninety-four cents.

Willie Pope, sixty-six dollars.

Pennsylvania Training School, three hundred and thirty-seven dollars and fifty cents.

Montana National Bank, Helena, six thousand eight hundred and seventy-two dollars and eighty cents.

W. G. Dougherty, four hundred and twenty-three dollars and eighty-one cents.

Stockmen's National Bank, Benton, three thousand two hundred and sixty-three dollars and fifty cents.

Helena Herald, two hundred and ninety-six dollars.

R. A. Luke & Co., one hundred and twenty-eight dollars.

I. L. Israel, one hundred and five dollars.

L. F. LaCroix, one hundred and twenty-eight dollars.

C. M. Jefferies, one thousand and fifty-four dollars.

Wm. DeLacey, one hundred and twenty-eight dollars.

John E. Lloyd, seven hundred and sixty-six dollars and ten cents.

J. R. Sanford, eight hundred and ninety-seven dollars and forty cents.

W. W. White, one hundred and twenty-five dollars.

A. M. Holter Hardware Company, twenty-seven dollars and eighty cents.

HeinOnline -- 1891 162 1891

T. F. Collins, eleven dollars and fifty cents.

Pierce Hoopes, four hundred and fifty dollars.

T. C. Power & Bro., two thousand four hundred and sixty-nine dollars.

Gertrude Hoopes, sixty-six dollars and sixty-six cents.

Frank Turner & Co., twelve dollars and twenty-five cents.

Inter Mountain Publishing Company, ninety dollars.

First National Bank, Helena, five hundred and twenty-two dollars.

Merchants National Bank, Helena, one thousand four hundred and eighty-six dollars.

T. C. Power, four hundred and fifty dollars.

E. W. McNeal, twenty-five dollars.

W. A. Rumsey, twenty-five dollars.

Gebhard & Wagner, thirty dollars.

APPROVED March 7, 1891.

LEVY OF STATE TAXES FOR 1891 AND 1892.

An Act to Provide Revenue for the Support of the Government of the State for the Fiscal Years of 1891 and 1892.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby levied, for State purposes, upon all the property of the State liable to taxation, for the fiscal year of 1891, an advalorem tax of two and one-half mills on each dollar valuation of such property.

HeinOnline -- 1891 163 1891

SEC. 2. There is hereby levied, for State purposes, upon all the property of the State liable to taxation, for the fiscal year of 1892, an advalorem tax of two and one-half mills on each dollar of valuation of such property.

SEC. 3. This act takes effect from and after its passage.

APPROVED March 4, 1891.

LICENSES.

An Act Concerning Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

License of stable keepers.

SECTION 1. All keepers of livery and feed stables shall pay a license of fifteen dollars per quarter and all keepers of hay yards, corrals for feeding stock or selling hay shall pay a license of eight dollars per quarter in towns of five hundred or more. All omnibuses and carriages that are run for hire or profit in any city or town of more than five hundred inhabitants drawn by one horse, shall pay two dollars and fifty cents per quarter, and for each additional horse used there, with two dollars and fifty cents per quarter; each street car company shall pay a license of twenty-five dollars per quarter.

Of omnibuses and carriages.

SEC. 2. Every merchant, person, firms or corporation, having a permanent or established place of business for the sale of goods, wares or merchandise shall pay a license for conducting said busi-

HeinOnline -- 1891 164 1891

ness in proportion to the amount of such sales as follows: Those whose sales amount to ten thousand dollars and upwards per month, shall pay a license of forty dollars per quarter; those whose sales are five thousand and under ten thousand dollars per month, shall pay a license of twenty dollars per quarter; those whose sales are two thousand and under five thousand dollars per month, shall pay a license of fifteen dollars per quarter; those whose sales are one thousand and under two thousand dollars per month, shall pay a license of ten dollars per quarter; those whose sales are under one thousand dollars per month, shall pay a license of five dollars per quarter. Every person, firm or corporation not having any permanent or established place of business as above defined and not being a traveling merchant, hawker or peddler, as defined in section thirty-five, who deals in or offers or exposes for sale any goods, wares, or merchandise, shall pay a license therefor of one hundred dollars per quarter in each and every county in which such goods, wares or merchandise is offered or exposed for sale. In addition to the license above required from those not having a permanent and established place of business, the owner, or person in possession of the goods, wares or merchandise, shall pay a tax thereon at the rate fixed and prescribed by the last preceding levy; *Provided*, said goods and merchandise shall be only once assessed and taxed during any one year. It shall be the duty of the County Treasurer of the respective counties, before issuing a license to any person, firm or corporation offering or proposes to offer, or expose for sale any goods, wares or merchandise, and who has no permanent or established place of business, to notify the County Assessor and the Assessor shall proceed without delay to assess the same and make return thereof to the Treasurer, and the Treasurer, before issuing

Of merchants.

Duty of County Treasurer and assessor as to licenses.

HeinOnline -- 1891 165 1891

a license shall collect the tax due upon the goods and merchandise so assessed. Nothing herein contained shall be taken or construed as requiring or imposing a license for the sale of any goods at a church fair or festival or when sold for any charitable or benevolent purpose.

Sales for charity.

SEC. 3. Every auctioneer before doing business as such, shall procure a license and pay therefor as follows: In every city or town of five thousand inhabitants, or upwards, he shall pay a license of one hundred dollars per quarter; and in all towns or places of less than five thousand inhabitants, he shall pay a license of fifty dollars per quarter. But no license shall be required of any Sheriff or other public officer, selling any property at public auction pursuant to execution, decree or any order of court.

Auctioneers.

SEC. 4. For the purpose of enforcing the provisions of this act and to prevent the evasion of the same all property of any kind held or used in any of the trades, occupations or professions for which a license is required by the provisions of this act, shall be liable for said license and said license is hereby made a lien on all such property, which lien shall have precedence of any other lien, claim or other demand; and if any person or persons shall fail or refuse to procure the license required by this act before the transaction of the business specified, it shall be the duty of the Treasurer of the county to seize any of the property upon which a lien is hereby created or any other property belonging to such person or persons and sell the same in the manner provided for Sheriffs on execution to satisfy said license and costs and for which said Treasurer shall receive a like fee as Sheriffs for service of notice and sale on execution, or said Treasurer may sue for and collect said licenses and costs by attachments, garnishment or otherwise; *Provided*, That

Lien for unpaid license.

Enforcement of lien.

HeinOnline -- 1891 166 1891

such lien shall be void as against creditors and purchasers in good faith after ten days from the time such license shall become due, and the County Treasurer and his bondsmen shall thereafter become personally liable for the amount of such license remaining unpaid in his county.

Repealing section.

SEC. 5. Sections 1342, 1343 and 1344 of the Fifth Division Montana Compiled Statutes and sections two and three of an act approved September 14, 1887, entitled an act to amend an act entitled an act concerning licenses and all other acts or parts of acts conflicting with this act be and the same are hereby repealed.

APPROVED March 7, 1891.

HeinOnline -- 1891 167 1891

DIVISION TWO.

LAWS RELATING TO STATE OFFICERS.

REMOVAL OF STATE TREASURER.

A Bill for an Act Entitled an "Act to Amend Section 144, Chapter X of the Fifth Division of the Compiled Statutes of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 144, Chap X. 5th Div. Comp. Stat

SECTION 1. That Section 144, Chapter X of the Fifth Division of the Compiled Statutes of Montana be amended so as to read as follows:

Embezzlemen by State Treasnrer.

Section 144. If at any time upon examination being made of the State Treasury it shall appear to the State Board of Examiners that the books of the State Treasurer do not correspond with the amount of funds on hand or that the said books do not show the actual condition of said office and the funds on hand or if it shall appear to said Board that any funds of the State have been embezzled or diverted from their proper channel or in any way or manner expended or taken from the Treasury without authority of law or that there is or has

HeinOnline -- 1891 168 1891

been any culpable negligence by said Treasurer in the keeping of said books or the care or keeping of said public moneys, it is hereby made the duty of said Board of Examiners to certify the same to the Governor, who upon the receipt of said notice is authorized and empowered and it is hereby made his duty, forthwith to take possession of the books, moneys, papers and other property of every kind and description belonging to the State or which come to the Treasurer's possession by virtue of his said office and to temporarily suspend the said Treasurer; thereupon the said Board of Examiners shall procure the services of an expert to make a careful investigation thereof, and if it shall appear upon such investigation that the said Treasurer has embezzled or converted to his own use, or has been culpably negligent in the keeping of his books or the care or custody of the public moneys and such findings be approved by the State Board of Examiners, then the Governor shall appoint another in his place who shall give bonds to the approval of said Governor, and take the oath prescribed by law, which oath shall be taken before some Justice of the Supreme Court, or in the absence of the said Justice before a Judge of the District Court which oath and bond shall be filed with and recorded by the Secretary of State, and thereupon the Governor shall turn over to such Treasurer the books, moneys, papers and other property and take his receipt therefor; and the Governor shall make report of his said acts to the succeeding Legislative Assembly and the said Treasurer shall hold his office until the disability of the Treasurer is removed or his successor is elected and qualified.

Repealing clause.

SEC. 2. All acts and part of acts in conflict with this act are hereby repealed.

APPROVED March 4, 1891.

HeinOnline -- 1891 169 1891

OFFICERS AND EMPLOYEES OF LEGISLATIVE ASSEMBLY

A Bill for an Act to Prescribe the Duties and Compensation of the Officers and Employees of each House of the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana;

Officers and employees of Senate.

SECTION 1. The officers and employees of the Senate shall consist of a President, President pro tem, a Secretary, an Assistant Secretary, and a Sergeant-at-Arms, and the Senate may elect an Assistant Sergeant-at-Arms, an Enrolling Clerk, an Engrossing Clerk, one Doorkeeper, one Janitor, one Day Watchman, one Night Watchman, one Chaplain, two Pages and four Committee Clerks.

Of House of Representatives.

SEC. 2. The officers and employees of the House of Representatives shall consist of a Speaker, Speaker pro tem, Chief Clerk, Assistant Chief Clerk, and a Sergeant-at-Arms, and the House may elect an Assistant Sergeant-at-Arms, an Enrolling Clerk, an Engrossing Clerk, one Doorkeeper, one Janitor, one Day Watchman, one Night Watchman, one Chaplain, and as many Committee Clerks and Pages as the House from time to time may require.

SEC. 3. The officers and employees of the Legislative Assembly, except the President of the Senate, must be elected by the House to which such officers and employees are attached.

Who may administer oaths.

SEC. 4. The President and President pro tem of the Senate and the Speaker and Speaker pro tem of the House of Representatives may admin-

HeinOnline -- 1891 170 1891

ister the oath of office to any Senator or Representative and to the officers and employees of their respective Houses. A member of any committee may administer oaths to witnesses in any matter under examination.

Duties to be prescribed by Rules or Orders.

SEC. 5. Each of the officers and employees aforesaid shall perform such duties as may be required of them by the rules or orders of the repective bodies to which they be elected and belong.

Duty of Secretary of Senate and Chief Clerk of House.

SEC. 6. The Secretary of the Senate and the Chief Clerk of the House of Representatives, at the close of each session of the Legislative Assembly must mark, label and arrange all bills and papers belonging to the archives of the respectives Houses, and deliver them, together with all books of both Houses, to the Secretary of State, who shall receipt for the same.

Compensation of officers and employees.

SEC. 7. The Secretary of the Senate and the Chief Clerk of the House of Representative shall be paid each ten dollars per day. The Assistant Secretary of the Senate and the Assistant Chief Clerk of the House shall be paid each eight dollars per day. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House shall be paid each six dollars per day. The Assistant Sergeant-at-Arms of the Senate and the Assistant Sergeant-at-Arms of the House shall be paid each five dollars per day. The Engrossing and Enrolling Clerk of the Senate and the Engrossing and Enrolling Clerk of the House shall be paid each six dollars per day. The Door-keeper, Jantor, Day Watchman, and Night Watchman of the Senate and the Door-keeper, Janitor, Day Watchman and Night Watchman of the House shall be paid each five dollars per day. The Chaplain and Pages of the Senate and the Chaplain and the Pages of the House shall be paid each four dollars

HeinOnline -- 1891 171 1891

per day. The Committee Clerks of the Senate and the Committee Clerks of the House shall be paid each five dollars per day.

When law shall take effect.

SEC. 8. This law shall be in force and effect thirty days after its passage.

APPROVED March 4, 1891.

GOVERNOR CUSTODIAN OF CERTAIN PROPERTY.

An Act to Provide for the Care of Certain State Property.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the Governor be, and he is hereby made, the Custodian of the State Armory and of all furniture and property belonging to the State and used by the Legislative Assembly.

APPROVED March 5, 1891.

FEES OF SECRETARY OF STATE.

An Act Fixing the Fees for the Performance of Certain Official Duties by the Secretary of State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The following fees shall be collected by the Secretary of State, and deposited with the State Treasurer, as provided for in the Constitution:

Fees to be collected by Secretary of State.

HeinOnline -- 1891 172 1891

For certificate and seal, one dollar.

For official seal and signature, without certificate, fifty cents.

For filing and approving bond, one dollar.

For each commission issued to any officer, five dollars.

For receiving and filing each certificate of incorporation, fifteen dollars.

For recording each instrument of writing, per folio, twenty cents.

For filing each paper not otherwise provided for, twenty-five cents.

For copy of any law, act or any other writing, per folio, twenty cents.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED February 26, A. D. 1891.

PRESIDENTIAL ELECTORS.

An Act to Provide for the Election of Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. At the general election in the month of November, immediately preceding the time fixed by the laws of the United States for the choice of President and Vice President of the United States, there shall be elected as many Electors of President and Vice President as this State is entitled to.

Election of Presidential electors.

SEC. 2. The votes for Electors of President and Vice President shall be canvassed, certified and returned in the same manner as the votes for State officers.

Canvass of votes

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Certificate of Election.

SEC. 3. The Governor shall transmit to each of the Electors a certificate of election and on or before the day of their meeting deliver to the Electors three lists of the names of the Electors and shall do all other things required of him in the premises by any act of Congress in force at the time.

When to assemble.

SEC. 4. The Electors chosen shall assemble at the seat of government on the second Monday in January next after their election at 2 o'clock in the afternoon.

Vacancy in office of Electors.

SEC. 5. In case of the death or absence of any Elector chosen or in case the number of Electors, from any cause, be deficient, the Electors then present shall elect by ballot from the citizens of the State, so many persons as will supply such deficiency.

To cast vote.

SEC. 6. When all the Electors shall have appeared or all the vacancies shall have been filled as above provided they shall proceed to perform the duties required of such Electors by the Constitution and laws of the United States.

Compensation.

SEC. 7. Electors shall receive the same pay and mileage as is allowed to members of the Legislative Assembly.

Accounts of

SEC. 8. Their accounts therefor certified to by the Secretary of State shall be audited by the State Auditor, who shall draw his warrant for the same on the State Treasurer payable out of the general fund.

APPROVED March 4, 1891.

HeinOnline -- 1891 174 1891

STATE LANDS.

A Bill for an Act Entitled An Act to Provide for the Selection, Location, Appraisal, Sale and Leasing of State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. All funds arising from the sale of State lands or lands granted by the United States or from other sources to the State of Montana, for specific purposes, shall be held intact, for the purposes for which they were granted. After the lands shall have been selected and assigned to the fund for which they were granted, they shall not be transferred to the credit of any other fund, nor shall the proceeds of the sale or the leasing of said lands be applied to any other than the purposes for which the lands were granted.

State Land Funds to be held intact.

SEC. 2. The proceeds arising from the sale of lands granted to the State for educational purposes, shall be invested, first, in bonds of the State of Montana; second, in such bonds of the several counties of the State as the Board of Land Commissioners shall deem most safe and secure; third, in bonds of school districts, *Provided*, that before any of such proceeds shall be invested in the bonds of any school district within the State of Montana, the said Board of Land Commissioners shall be satisfied by statements of the Trustees of the school district proposing to negotiate the sale of its bonds, that the bonds to be negotiated are the only bonds issued by the said school district, and that the outstanding indebtedness of said school district does not exceed three per cent. upon the valuation of the property within said district.

Investment of Proceeds from State Lands.

HeinOnline -- 1891 174A 1891

Interest on Investments.

The interest on all money arising from the sale or leasing of school lands shall be used for the purposes for which the grant was made.

When School or other State Lands to be sold.

SEC. 3. No sale of school lands or lands granted for internal improvements or for the establishment of any educational institution within the limits of the State of Montana, or for public buildings or university purposes shall be made prior to the first day of July, 1891, except as hereinafter provided.

Patent for State Lands sold.

SEC. 4. All patents for lands sold by the State shall be signed by the Governor, whose signature shall be attested by the Secretary of State, and the seal of the State of Montana, and such patent shall convey to the grantee named therein all the right, title, interest, claim or demand of the State of Montana in and to the land therein conveyed.

Lease of State Lands.

All leases of school or other lands shall be made in the name of the State of Montana, and such leases shall be attested by the hand of the Governor, and be issued under the great seal of the State in the manner hereinafter provided for. All such patents or leases shall be entitled to record without acknowledgment.

No acknowledgement to patents or leases.

Members of Board of Land Commissioners

SEC. 5. The Governor, the Superintendent of Public Instruction, the Secretary of State and the Attorney General shall constitute the State Board of Land Commissioners, which shall have the direction, control and power to lease or sell any of the school lands of the State, and the lands granted, or which may hereafter be granted for separate and various State educational institutions under the regulations herein provided.

Duties of Board as to Disposal of Lands.

SEC. 6. It shall be the duty of the State Board of Land Commissioners to provide for the selection leasing, sale or other disposition of all lands heretofore or which may hereafter be granted to the State

HeinOnline -- 1891 174B 1891

of Montana by the general government or otherwise, under such regulations as may be prescribed by law and in such manner as may secure the maximum possible amount provided therefor. That no land heretofore granted the State of Montana shall be sold for less then ten (10) dollars per acre, and that where land is so situated as not to be worth the amount herein mentioned, that the same may be leased for the term not exceeding five years, and at a rental to be determined by the State Board of Land Commissioners.

Minimum price for Lands.

SEC. 7. The Governor shall be ex-officio president of the State Board of Land Commissioners, and the meetings of the board shall be regulated by such rules as the board itself shall adopt.

Presiding Officer and Rules of Board.

SEC. 8. The first meeting of the State Board of Land Commissioners shall be held on the call of the Governor and not later than the first day of June, 1891 thereafter at such times and places as the board and may direct.

Meetings of Board.

SEC. 9. All powers vested or hereafter to be vested in the State Board of Land Commissioners may be executed by a majority of the board.

Majority to control.

SEC. 10. The State Board of Land Commissioners shall keep a record of their proceedings in a book kept for that purpose and shall preserve all papers and documents submitted to them; and all expenses necessarily incurred in the discharge of the duties that are or shall be enjoined on them by law, shall be audited, by the State Auditor and be paid by warrants on the State Treasurer.

Records and Documents.

Expenses of Board.

SEC. 11. The State Board of Land Commissioners shall designate what lands selected by the State shall be assigned to each specific fund, designated in grants made by the United States.

To Designate Lands.

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Appointment of State Land Agent.

SEC. 12. The Governor shall appoint a State land agent, by and with the consent of the State Board of Land Commissioners, whose duty it shall be under the direction and control of the State Board of Land Commissioners, to carry into effect the provisions of this act, and to do all acts required of him to be performed, by the said State Board of Land Commissioners; but his official acts shall have no validity until approved by the said board. He shall hold his office at the pleasure of the board, and shall receive an annual salary of three thousand dollars, payable quarterly from the treasury of the State.

Term of Office and Salary.

Duties.

The State land agent shall be under the direction and control of the State Board of Land Commissioners, and he shall proceed in such manner as the board may direct, to examine and report to them such lands as may be suitable for selection under the acts of Congress granting the lands to the State of Montana.

Plats and Records of Board of Land Commissioners.

The State Board of Land Commissioners shall keep all maps, plats, books, records, documents and papers pertaining to the office, subject at all times to inspection the same as all other public records.

Land Agent to employ assistants

SEC. 13. The State Land Agent is hereby authorized to employ, with the consent of the said board, such assistance as may be required for the proper performance of his duty, and to carry out the provisions of this act; and all expenses incurred therefor shall, on the certificate of said board approved by the State Board of Examiners, be paid by warrant of the State Auditor on the State Treasurer.

Blanks and Stationery for Board

SEC. 14. The board shall be furnished by the State with all necessary blanks, books and stationery, and all the necessary expenses attending the examination, survey, location and sale of State lands,

HeinOnline -- 1891 174D 1891

shall be paid on the warrants of the Auditor issued on vouchers certified by the State Board.

State Auditor to draw Warrant for Expenses.

SEC. 15. The State Board shall provide as complete a set of plats for field use as may be necessary, of the surveyed lands, of the State, together with such blanks as may be necessary for the examination of said lands; shall ascertain, as far as practicable, what of the unappropriated government lands in the state are capable of irrigation, and the sources and reliability of the supply of water for the same; and shall select what lands may be suitable under the various grants made by the general government to the State, and shall classify said lands upon the maps and plats so prepared by it, according to the classification made by the Constitution of the State of Montana, to-wit:

Plats of surveyed Lands.

Unappropriated Government Lands irrigable.

Water Supply.

Classification of Lands granted.

First, grazing lands; second, timber lands; third, agricultural lands; fourth, lands lying within the limits of any town or city, or within three miles of such limits, and shall, as often as once in five years, reclassify the lands, so that at no time shall any of the lands be sold under different classification from that to which they rightfully belong.

Order of same.

SEC. 16. The maps and plats prepared by the State Board, as above provided for in section 15, shall also contain a classification of the lands according to the respective funds or State institutions to which said lands belong, and shall be marked upon said plats, with the name of the fund to which they belong; and it shall be the duty of the State Board of Land Commissioners, as soon as practicable after they are organized and are ready to transact business under the provisions of this act, to select or cause to be selected, lands in lieu of those settled upon, and disposed of by the United States in sections....and.... Such lands to be selected as contiguous as may be to the section in lieu of

Maps and Plats must show Funds

Lieu Lands.

HeinOnline -- 1891 174E 1891

which the same is taken, and such selections so made of lieu lands shall be certified to the register and receiver of the proper land office by the State Board.

Sale of State Lands.

SEC. 17. That none of the lands granted to the State of Montana by the act approved February 22, 1889, shall be sold or disposed of at a less price than ten (10) dollars per acre, and if under the provisions of this act any of the lands so granted shall be advertised for sale by the State Board of Land Commissioners, and at such sale no bid is received equal to or exceeding the sum of ten (10) dollars per acre aforesaid, for said land, the same shall not be sold, but may be leased for a term not exceeding five years: *Provided*, that in leasing the land the State Board of Land Commissioners may accept the highest price bid by any person desiring to lease the same, and the person so leasing, thereupon shall immediately sign a written contract of lease, binding himself and his heirs to keep the said land for the full period or term for which the same is leased to him.

Minimum price

Leasing.

Lease to be signed.

Selections in legal Subdivisions.

SEC. 18. All selections of land shall be made in legal subdivisions, and when the selection has been made and approved by the State Board of Land Commissioners, the Governor shall take the necessary steps to procure the approval of the Secretary of the Interior and the President of the United States, and the issuance of patents for the same by the United States to the State of Montana.

Approval of Selections and Patents to same.

Plats of, and Books showing Character of patented Lands.

SEC. 19. When said lands have been selected for the respective purposes mentioned in the Act of Congress approved February 22, 1889, granting lands to the State of Montana, and the title of the same assured to the State, the State Board shall cause to be prepared a complete set of plats to the State lands, which plats shall be of a permanent

HeinOnline -- 1891 174F 1891

character, and shall also prepare a set of books which shall show the character of the soil, grass, timber, water, the source and supply of water for irrigation, the presence of stone, lime, or any useful mineral production, and in general all facts that may affect the value of the lands, and shall show on the plats which lands have been selected under each specific grant of the United States, and for what particular purpose the same is selected, and shall also show whether the lands belong to the 1st, 2d, 3d or 4th division mentioned in Section 1 of Article 17 of the Constitution of the State of Montana, and when any reclassification of said lands shall be made, the plats and books shall changed so as to show the reclassification.

Sale of Lands at Auction.

SEC. 20. The State Board of Land Commissioners may, from time to time direct the sale of lands belonging to the State, and not otherwise directed to be disposed of, at public auction in such parcels as they deem most for the interest of the State, and for the promotion of the settlement thereof, but not more than ten thousand acres shall be sold at any one auction, and each lot of 160 acres shall be separately exposed to sale; smaller lot only shall be sold when it is impracticable to sell as above prescribed, or when in the judgment of the State Board a larger price will be received for the sale of the land, and not more than one hundred and sixty acres shall be sold to any one person, except as otherwise provided in this act.

Description of Lands to be sold.

SEC. 21. It shall be the duty of the State Board of Land Commissioners, previous to every sale of land to prepare a statement descriptive of each lot, piece, tract or parcel of land, before which it shall not be sold; and shall also designate the newspaper in which notice of the sale shall be published, but they shall in all cases, designate at least one newspaper published in the county in which the lands to

Notice of Sale in newspaper.

HeinOnline -- 1891 174G 1891

be sold are situated, or, if there be no newspaper therein, then they shall designate at least one newspaper published nearest to such lands: *Provided*, that the State Board of Land Commissioners shall not designate any piece of land to be sold for less than ten (10) dollars per acre.

Minimum price

Sales of land belonging to this State shall be held in the county in which the lands to be sold are situated, and at the place designated by the State Board of Land Commissioners, and at the county seat of the county in which the lands are situated, and the amount of purchase money to be paid at the time of sale, shall in no case be less than thirty per cent of the whole purchase money: *Provided*, that in the case of timber lands, the whole of the purchase money shall be paid at the time of the sale, and *Provided Further*, that no timber lands shall at any time be leased by the State Board of Land Commissioners, but shall be sold in the manner provided by law at a price not less than ten (10) dollars per acre.

Place of Sale.

Cash Payments

Same for Timber Lands.

No Lease of Timber Lands.

SEC. 22. No sale of the lands shall be made unless there shall have been given four weeks previous notice of the time, place and condition of such sale, published in such newspaper or newspapers as by said board shall have been selected and prescribed under the provisions of this act.

Notice of Sale.

SEC. 23. Within twenty-four hours after each sale the purchaser of each tract shall pay to the County Treasurer of the county in which the sale was made, who shall forthwith transmit the same to the State Treasurer, the first payment required thereon and execute a penal obligation conditioned for the payment of the residue of the purchase money to the State of Montana, in seven equal annual payments, with interest at the rate of seven per cent per annum, which obligation shall be deposited with the State Auditor. If any person shall

Payment by Purchaser.

Bond for Balance.

Failure of Purchaser.

HeinOnline -- 1891 174H 1891

refuse or neglect to make such payment or to deliver such obligation as aforesaid, he shall for every such refusal or neglect, forfeit the sum of one hundred (100) dollars for each lot so by him purchased, to be recovered with costs of suit instituted by the Attorney General in the name of the State of Montana: *Provided*, at each sale of land the purchaser shall have the option of paying the whole amount of purchase, in cash, if he so desires.

Option of Purchaser.

SEC. 24. The State Auditor on the delivery to him of such obligation and on receipt of such payment by the Treasurer, shall give such purchaser a certificate containing the name of the purchaser, a description of the land purchased, the amount paid and the sum remaining due thereon.

Certificate of Sale.

SEC. 25. Whenever any purchaser at a sale made by the State Board, or the representative or assign of such purchaser shall produce to the State Auditor a certificate with the receipt of the Treasurer endorsed thereon for the whole of the money due thereon, it shall be the duty of the Auditor to cancel the obligation executed by such purchaser on the sale and letters patent for the land described in the certificate shall be issued to him or his heirs or assigns.

Patent on full Payment.

SEC. 26. Whenever such certificate shall be lost or wrongfully withheld by any person from the owner thereof, the State Board of Land Commissioners may receive evidence of such loss or wrongful detention, and on satisfactory proof of the fact may cause a duplicate certificate or patent as he may be entitled to issue to such person as shall appear to them to be the proprietor of the land described in the original certificate.

Duplicate Certificate.

SEC. 27. If any one payment, stipulated in any one obligation received by the State Auditor upon any sale of lands, shall remain unpaid one year after

Payment delayed.

HeinOnline -- 1891 1741 1891

the same is due, the State Board of Land Commissioners may direct the Attorney General to put such obligation in suit, or may sell again the land for the payment of which such obligation shall have been given: *Provided*, that such sale shall not be made unless the occupation of the land shall have been abandoned for a full year, and, in case of such sale, all previous payments made on account of such lands shall be forfeited to the particular fund to which the land may belong.

Claims to State Lands.

SEC. 28. The State Board of Land Commissioners may hear and determine the claims of all persons who may claim to be entitled in whole or in part to any land owned by this State, and shall have power to establish such rules as in their opinion may be proper to prevent fraudulent applications under the preceding sections.

State Board to prevent Fraud.

Lands unsold at Auction may be sold to Applicants.

SEC. 29. Whenever the State Board shall have exposed for sale at auction any lots of the lands of this State pursuant to law, and any of such lots shall remain unsold, the Commissioners may in their discretion issue certificates for the sale thereof to such persons, respectively, as shall thereafter make application for any of the said lots, at not less than the appraised value.

Readvertisement

SEC. 30. Whenever any lot of land shall have been put up for sale by the State Board, and no bids shall have been received for the same, and no application be made for the purchase thereof, within a reasonable time, the State Board of Land Commissioners may, if in their opinion the minimum price was fixed too high, reduce the same and again advertise, and proceed with the sale thereof: *Provided*, that no such reduction shall exceed ten per centum in any one fiscal year, nor shall the price be reduced below ten (10) dollars per acre.

Minimum price

HeinOnline -- 1891 174J 1891

SEC. 31. Any person desiring to purchase land upon which he or she shall have made improvements prior to the passage of this Act, if the land was surveyed at that time, or if unconveyed, then prior to the survey, shall be allowed to deduct the appraised value of the improvements from the amount bid for the said land and improvements, and in the event that any person purchases the land upon which such improvements have been made, the purchaser shall pay the full price of said land and improvements to the State Treasurer, and the State Treasurer shall pay the appraised value of the improvements to the person owning the same, and the price of said improvements shall be paid in full at the time of the sale by the purchaser: *Provided*, that the bid mentioned in this section shall be for a sum equal to the amount of both the appraised value of such improvements and the minimum price of the land as fixed by the State Board of Land Commissioners, but in case such bid does not equal the minimum price of the land and the appraised value of improvements, such deficit shall be taken from the appraised value of the improvements. Said improvements shall be appraised as provided for the appraisement of improvements upon school lands in Section 40 of this Act.

Improvements of Settlers upon State Lands.

SEC. 32. If any person shall commit trespass or other injury to the lands of the State, or upon any of the improvements thereon, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than twenty-five ($25.00) dollars and not exceeding one thousand ($1,000.00) dollars, and it shall be the special duty of the County Superintendent of Public Schools to take cognizance of all such offenses committed in his county, and report the same to the proper officer. All Justices of the Peace, upon information, oath, affirmation or of their own knowledge, shall cause

Trespassers to State Lands guilty of Misdemeanor.

County Superintendent of Public Schools to take Cognizance.

HeinOnline -- 1891 174K 1891

Jurisdiction of Justice of the Peace.

any person committing any of the offenses mentioned in this section, to be brought before them by like processes as in criminal cases and to enter into a recognizance to appear at the next term of the District Court of the district in which the offense was committed, and in default of such recognizance, to commit such person to the jail of the county.

Duty of Purchasers before receiving Title as to Timber.

SEC. 33. If any purchaser of land, before receiving his title in fee simple therefor, shall cut or destroy any timber upon said land, more than may be necessary for the building and repair of fences and houses on the land, or for fuel for the family of the occupant, he or she shall be liable to pay the amount of damages done to the land, recovered by an action in the name of the State of Montana, to be instituted by the Attorney General, or the County Attorney of the County in which the land is situated.

Liable in Damages to State.

Fines and Penalties.

SEC. 34. All moneys received for fines, fees and forfeitures under this act shall be paid to the State Treasurer, and by him placed to the credit of the fund to which the land in regard to said fees, fines and forfeitures belong.

State Board may bid in Lands

SEC. 35. Whenever the State Board shall sell any lot of land for the purchase money due thereon, and the sum due for principal and interest shall not be bid therefor, they may purchase the same for the State at the amount so due, with the costs of the sale.

Assessment of Lands sold.

SEC. 36. Any land sold, for five years after such sale, shall not be assessed by the assessors of the town or county in which they shall lie, at any higher valuation than the estimate upon which they are

HeinOnline -- 1891 174L 1891

sold, unless improvements within that time have been made thereon, in which case the value of the improvements shall be added to the estimate.

SEC. 37. All moneys arising from the sale of State lands shall be paid to the State Treasurer and shall be invested by him for the benefit of the fund to which they may belong in the securities prescribed by this act. And all payments of money made to the State Treasurer shall be accompanied by a statement as to what fund said money shall be credited.

Payments on Purchase of Lands.

SEC. 38. The expenses of all sales of lands shall be paid by the Treasurer on warrants issued by the Auditor, on vouchers certified by the State Board of Land Commissioners that the said expenses were necessary and actually incurred, and which vouchers are audited and approved by the State Board of Examiners.

Expenses of Sale.

SEC. 39. The State Board of Land Commissioners shall have the power to lease the lands of the State at a rate not less than five per cent. per annum (payable in advance) on the appraised value of the same, and shall require of the lessee such a bond as shall secure the State from loss or waste; and in no case shall the lessee be allowed to cut or waste more timber than shall be necessary for the improvement on the land or for fuel for the use of the family of the lessee.

Leasing State Lands.

Bond of Lessee.

Duties of Lessee.

SEC. 40. Whenever ten householders of any school district in which the land is situated shall petition the State Board to expose to sale any portion or portions of said lands, describing the same,

Petition for Sale of School Land.

HeinOnline -- 1891 174M 1891

Appraisement.

the State Board shall direct the County Commissioners of the county in which such land is situated, to cause the same to be appraised by three disinterested householders, each legal subdivision of the land being appraised separately, at its real value, and return the appraisement in writing signed by them to the clerk of the county; and in case any parcel of the said lands shall have been improved, the said appraisers shall, in addition to the appraisement of the land, return and file with the said clerk a separate appraisement of the improvements upon said land. The appraisers shall receive four dollars per day for the time actually employed in such appraisement, to be paid by warrants on the Auditor of State on the State Treasury.

Fees of Appraisers.

Filing of Appraisement.

SEC. 41. The County Clerk shall immediately file the appraisement of said appraisers in his office, and record the same in a book kept for that purpose, and transmit a certified copy of the same to the State Board of Land Commissioners. All State lands shall be exposed for sale to the highest bidder at the County Seat in the county where such lands are situated.

Place and manner of Sale.

County Treasurer to sell.

The Board of Land Commissioners shall direct the County Treasurer to sell such lands, and give notice of such sale as provided in this act. All moneys arising from the sale of such lands by the County Treasurer shall be immediately transmitted to the State Treasurer, who shall invest the same as provided in this act; and the payment for school lands shall be the same as provided for in the sale of other lands.

Notice of Sale. Investment of Proceeds.

Payment.

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SEC. 42. It shall be unlawful for the State Board of Land Commissioners, County Commissioners, County Superintendent, or any persons appraising lands, or any person or persons in the employ of the State for the selection, appraisal, sale or leasing of the State or School lands, to purchase or lease, directly or indirectly, any portion of the lands of the State.

Officials not to buy or lease.

SEC. 43. School lands known as section——and ——, or any part thereof, or any other State lands, situated in, or adjacent to, a city or town, may be surveyed or laid off in lots or blocks, streets, alleys, avenues, highways, or public squares, to conform to the legal subdivisions of such city or town, and the State Board of Land Commissioners shall cause correct maps and plats of such lands to be made and recorded; when so surveyed and platted, and not otherwise, the said Board may, in its discretion, sell the same at public auction to the highest bidder. *Provided*, that each block or lot as numbered or platted upon said maps shall be sold separately, and not until they have been appraised, and notice of such sale given in the same manner as prescribed in this act, and such sales shall be made upon the same terms as provided in this act for the sale of other school lands.

When School or other State Lands may be platted and sold as town lots.

Manner of Sale.

SEC. 44. Any person who, by affidavit or otherwise, shall show to the State Board of Land Commissioners that he has a right to the improvements of any such lot, piece, tract or parcel of land in good faith for the purpose of making for himself a home, shall have the preference right to purchase said

Settler to have Preference.

HeinOnline -- 1891 1740 1891

tract of land. *Provided*, the same shall not exceed five acres in area, at the highest price bid for said tract of land by any other person.

Report of County School Superintendent to State Board.

SEC. 45. It shall be the duty of the County Superintendent of Schools in each county of the State to report to the State Board of Land Commissioners on or before the first day of July, 1891, the condition of the school lands located in their several counties showing the amount thereof, whether any part of the same is occupied and by whom, whereupon it shall be the duty of the State Board to ascertain the amount of such lands occupied and rightfully held under any law of the United States by occupants thereof, and to make a location of other lands equivalent thereto for the support of the public schools.

Granting Right of Way over State Lands.

SEC. 46. In any case where lands heretofore or that may hereafter be purchased by, or donated to the State of Montana or may be purchased by, or may have been donated to the Territory of Montana and the State of Montana remains the owner thereof, either for the erection of public buildings or other purposes, and it is deemed expedient to grant a right of way over and upon such lands, the Governor and Secretary of State shall be and hereby are authorized to execute and sign on behalf of the State a proper deed or other instrument of writing therefor, and should the owner or owners of said land adjoining any such land desire to lay out and subdivide any such land belonging to the State of Montana into an addition to any city or town, or should the State Board of Land Commissioners desire to

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subdivide any of the lands belonging to the State of Montana into any addition to any city or town, the said Governor and Secretary of State shall be and they are hereby authorized to execute and acknowledge the proper acquittances or other papers and shall join in the execution of a plat of such addition for the purpose of granting a right of way over and upon such lands and the same shall be considered as a full and clear right of way over such lands to all intents and purposes, the same as though the same was executed by an individual owner. *Provided*, however, that this section shall not be deemed to great (grant?) authority to convey any such land, except for the purposes above set forth other than as provided for in this act.

And, *Provided*, further, that nothing in this act contained shall be construed as giving a right to the State Board of Land Commissioners to sell lands subdivided or platted, or subdivided as an addition to any town, except alternate lots containing five acres or less, and not more than one-half of any one tract of land subdivided and made an addition to any town shall be sold prior to the year 1910, but the other parts or parcels of land which have been subdivided, platted and surveyed as an addition to any town, may be leased under such terms and restrictions as may be prescribed by the said Board of Land Commissioners.

Only alternate Lots to be sold in platted Townsite Additions.

SEC. 47. In case any person appointed to select and appraise any State lands shall wilfully and knowingly make a false return of any survey or any appraisal of the value of land at variance from the true value thereof or without having personally surveyed and examined the same, he shall be deemed guilty of wilful perjury.

Penalty for false Return of Survey or Appraisal of State Lands.

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Annual Roport of Board as to Lands.

SEC. 48. The State Board shall annually on or before the first day of December in each year, publish a full report of its transactions, showing the amount of lands belonging to the State, to what fund they belong, their value and the amount sold or leased during the year.

Preference right of Settler to purchase or lease State Lands.

SEC. 49. In all cases of the sale, leasing or other disposition of the School or other lands of the State by the State Board of Land Commissioners under the provisions of this act, it shall be the privilege of every occupant or settler upon any of such lands, so to be sold or leased to have the preference right of purchase or lease at the price bid by the highest bidder at such sale or leasing, and it is hereby made the duty of said Board of Land Comminsioners to construe this section liberally with a view to the establishment of homes for actual settlers, and to prevent the said lands from being sold or leased to speculators.

Lease of grazing Lands.

SEC. 50. Leases of lands of the first class known as "grazing lands" shall not be for less than one section, or such part of the section as may be the property of the State. *Provided*, that no lands shall be leased under the provisions of this act to any person not a citizen of the United States or who has declared his intention to become such. All occupants or settlers having improvements on grazing lands, and who do not wish to lease the same, shall have the privilege of disposing of or recovering such improvements at any time within ninety (90) days from the date of the lease.

No Lease to Alien.

Rights of Settlers on Grazing Lands.

APPROVED March 6, 1891.

HeinOnline -- 1891 174R 1891

VACANCIES IN LEGISLATURE.

An Act Entitled An Act to Fill Vacancies Occurring in the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Whenever a vacancy shall occur from any cause, either among the Representatives or the Senators in the Legislative Assembly, the fact of such vacancy, together with the particular office made vacant, shall be forthwith declared upon the journal of the respective bodies if they be in session, or reported to the Governor or the person then exercising the functions of the Governor, by the other members of the Legislative Assembly or some one of said members from the same Representative District, if the Legislative Assembly be not in session at the time said vacancy occurs, and upon the receipt of such report, or the declaration of such vacancy, the Governor or person then exercising the functions of Governor, shall proceed forthwith to investigate the matter, and if he shall determine that the vacancy in either branch of the Legislative Assembly then exists, he shall forthwith issue a writ of election directed to the Board of County Commissioners of the respective county or counties wherein the said vacancy may exist, which said writ shall contain the name of the last incumbent of the vacant office, the date of the happening of the vacancy, the period of the unexpired term, and the date at which the election to fill the said vacancy shall be held, and shall require the said Board of Commissioners to forthwith proceed to give notice of not less than 10 days nor more than

Vacancies in Legislative Assembly.

When Governor to issue wr t of Election.

HeinOnline -- 1891 175 1891

20 days of the holding of said election by publication therefor for the period named in a newspaper or newspapers of general circulation within the district where said election is to be held, which said writ shall be issued by the Governor within twenty days after notice or declaration of vacancy as aforesaid.

Notice of, and Election.

SEC. 2. Upon receipt of the said writ of election the Clerk of the Board of County Commissioners shall forthwith proceed to cause notice of said election to be published, official ballots to be prepared containing the names of candidates for the office so to be filled by said election, which candidates shall be nominated, and which ballots shall be prepared in the same manner as is now provided by law in case of general elections, and which said election shall be held and conducted upon the day named in the said writ, in all respects and manner as may be provided by law in cases of general election, and the votes thereat shall be cast counted, returned and certified, and the result declared, and certificates of election issued in the same manner as may be provided by law in the election of general State officers; *Provided*, That no new registration shall be required therefor.

APPROVED March 6, 1891.

SCHOOL AND OTHER STATE LANDS.

An Act to Provide for the Selection and Conveyance of School and Indemnity Lands and of Certain Public Lands donated to the State of Montana by the United States for Various Public Buildings and Institutions and to Pay the Necessary Expenses thereof.

HeinOnline -- 1891 176 1891

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the Governor is hereby authorized to appoint by and with the consent of the State Board of Land Commissioners, a State Land Agent who is hereby authorized and empowered, and whose duty it shall be to select, subject to such rules and regulations as may be prescribed by the Secretary of the Interior and cause to be conveyed to the State of Montana all School and Indemnity Lands and all public Lands donated to the State by the United States for various public buildings and institutions by virtue of an "Act to provide for the admission of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to said States," approved February 22, 1889.

State Land Agent.

Duties as to School and State Land.

SEC. 2. Said State Land Agent shall receive as compensation for his services a salary of three thousand dollars per annum, payable quarterly, and shall hold his office at the pleasure of the Board. He shall before entering upon his duties, file with the Secretary of State, a bond to the State, to be approved by the Board, in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office.

Salary of

Bond of

SEC. 3. Any moneys appropriated for the purpose of carrying this act into effect and paying the expenses of field examinations, land office and other contested cases, cost of selecting and conveying the lands, and all other expenses incident thereto, shall be expended under the direction of the State Board

State Board of Land Commissioners to control expenses of State Lands.

HeinOnline -- 1891 177 1891

of Land Commissioners; *Provided*, That no warrant shall be drawn on said fund by the State Auditor except upon the order of said State Board of Land Commissioners, setting out in full the purpose for which the same is made, and showing that the same was necessary and proper for the selection or preservation of public lands belonging to the State, accompanied by the affidavit of the person in whose favor the order is drawn, showing that the amount claimed is due and unpaid, and that there has been no collusion between him and said Board, or any member thereof, respecting the same.

When to appoint Land Agent

SEC. 4. Within thirty days after the passage of this act the State Board of Land Commissioners shall meet at the office of the Governor and organize and appoint such Agent. They may adopt such rules and regulations as may be necessary for their government and for carrying into effect the general provisions of this act.

May adopt rules.

APPROVED March 4, 1891.

MINERAL LAND COMMISSIONER.

Act Act to Provide a Mineral Land Commissioner for the State of Montana, to Define his Duties and Provide for his Compensation and Expenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Appointment and duties of Mineral Land Commissioner.

SECTION 1. That there shall be appointed by the Governor as soon as practicable after the passage of this act, a mineral Land Commissioner for the State of Montana, whose duty it shall be to

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prepare and publish a clear and concise statement of the facts in respect to the danger of millions of acres of the best gold, silver and copper bearing mineral lands of Montana becoming the property of the Northern Pacific Railroad Company.

SEC. 2. He shall cause to be collected and arranged the decisions of the courts bearing upon this subject and such other facts as show the absolute necessity of congressional action, and shall prepare for introduction into Congress such an act or acts as will save, if passed, not only the discovered but the undiscovered mines and all the reserved mineral lands to the people. And he shall have these facts placed in the hands of the President and each member of Congress and the United States Senate, and he shall, as far as possible, have their attention called personally to this matter, and shall have these facts published throughout Montana and throughout the country as far as practicable. He shall secure proofs as to the mineral character of the mountainous portions of Montana claimed by this railroad company, and shall preserve either the original or certified copies of such proofs. It shall be his duty to employ counsel to protect the interests of Montana in her mines and mineral lands before the courts and United States land offices whenever he may deem the same is in danger. He shall also prepare or cause to be prepared a map or maps showing the mountainous mineral lands within the limits of the grant of the Northern Pacific Railroad Company in Montana, and showing such of these lands as have already been selected by this company, and in every way use his most earnest efforts to protect the mineral lands of Montana and to secure such congressional action as will save all these mineral lands and the mines contained therein from becoming the property of any railroad corporation.

Duties of, as to Mineral Lands.

HeinOnline -- 1891 179 1891

Duties of, as to Public Land Grants to State.

SEC. 3. He shall also be required to guard and care for the interest of the State of Montana in all its grants of public lands from the Federal Government for school or other purposes; and he shall at all times as to this branch of his duties be under the control of the State Board of Land Commissioners.

Subject to State Board of Land Commissioners

Salary and Expenses.

SEC. 4. His salary shall be $3,000.00 per annum, which, with the necessary expenses not to exceed $3,000.00 per annum, including counsel fees, shall be paid by the Treasurer of Montana upon the proper vouchers being furnished.

First term o office.

SEC. 5. The first Mineral Land Commissioner of Montana shall hold his office until March 4, 1893, unless sooner removed.

APPROVED March 5, 1891.

ESTRAYS.

A Bill for An Act with Reference to Estrays Upon the Public Domain.

Be it enacted by the Legislative Assembly of the State of Montana:

Stock Commissioners may take possession of Estrays.

SECTION 1. That the Board of Stock Commissioners be and it is hereby authorized to take possession of all estray horses, mares, geldings, colts, mules and asses found running at large upon the public domain and dispose of the same subject to the following restrictions.

SEC. 2. For the purpose of carrying this act into effect said Board of Stock Commissioners shall divide the State into suitable districts and as

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occasion may require shall appoint some person residing in each of said districts whose duty it shall be to take into his possession all such estrays found in his district.

May district State and appoint officers.

SEC. 3. Such person so appointed for such purpose shall hold the estrays so collected by him in his possession and care for the same in the cheapest and most practical manner for a period of forty-two days from the time when such estrays have been so taken into his possession; during which time said estrays shall be advertised in one paper within the district where such estrays are held, and in one general stock paper of the State, once a week for a period of four consecutive weeks, which notice shall be in form as follows: "Notice is hereby given that I have taken into my possession the following estrays....(here describe the animals) and that I hold the same at.....in the county of ....., State of Montana.

Duties of such officers.

Advertising Estrays.

SEC. 4. At the expiration of the said forty-two days all animals not claimed by the owner or owners thereof shall be sold by the Board of Stock Commissioners in such manner and at such time and place as such Board shall deem best. At the time of said sale the said Board shall cause all animals to be branded with a brand to be adopted by said Board, which shall be a vent against all other brands upon such animals.

When Commissioners to sell.

When to brand.

SEC. 5. Said Board shall keep on file in its office a record giving as near as may be the age, color, sex and brands of all animals sold under this act, together with the gross and net amount realized for the same, which net amount shall be held by said Board subject to the order of the rightful owner, when such ownership is proven to the satisfaction of said Board.

Record of Estrays.

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Filing copies of record.

SEC. 6. The Board of Stock Commissioners shall file annually a copy of the record of such animals sold during the preceding six months, with the Secretary of State and each of the County Clerks of the State, and said Board of Stock Commissioners shall also make such record a part of their annual report to the Governor.

Expenses of sales, etc.

SEC. 7. All expenses attending the gathering, holding, advertising and selling of such estray animals shall be paid out of the gross proceeds of the sale of such animals, and so much of the net proceeds of said sale as is not claimed within the period of two years after such sale shall be covered by the Board of Stock Commissioners into the State Treasury, and become a part of the Stock Inspector and Detective fund.

Net proceeds.

Unauthorized person guilty of misdemeanor in taking up Estray.

SEC. 8. It is hereby made a misdemeanor for any unauthorized person to take up or in any manner hold any estray animal except in the manner now provided by law for trespassing animals, and any person so doing contrary to the provisions of this act shall be upon conviction thereof fined in the sum of not less than twenty-five dollars, nor more than one hundred dollars or be imprisoned in the county jail not less than ten nor more than sixty days, or shall be subject to both such fine and imprisonment.

Definition of Estray.

SEC. 9. An estray within the meaning of this act shall be considered an animal that after careful inquiry by the Inspector or person herein provided for to be appointed by the Board of Stock Commissioners in each of said districts among reputable resident stock owners or free holders is found to be apparently without ownership in that locality.

APPROVED March 5, 1891.

HeinOnline -- 1891 182 1891

DUTIES OF STATE BOARD OP EXAMINERS.

An Act to Prescribe the Duties of the State Board of Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Governor, Secretary of State and Attorney General shall constitute a Board of Examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. No claim against the State, except salaries and compensation of officers fixed by law, shall be passed upon by the Legislative Assembly without first having been considered and acted upon by said Board. State Board of examiners.

SEC. 2. The meetings of the said Board shall be held at the seat of government on the third Monday in each month, and such other times as the chairman may call it together; and the Governor shall be the chairman and the Secretary of State the secretary of said Board, and in the absence of either an officer pro tempore may be elected from their number. Meetings. Officers.

SEC. 3. The Board shall keep a record of all its proceedings, and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record. All claims shall be filed with the secretary of the Board before the same shall be acted upon. Record of proceedings.

SEC. 4. The Board may, in writing, establish rules and regulations not inconsistent with law for its government. Rules.

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May issue subpœnas.

SEC. 5. The chairman may issue subpœnas and compel the attendance of witnesses, under penalties prescribed by law, before the Board or any member thereof; and any member of the Board may take depositions to be used before it, and whenever the testimony of any witness against a demand pending before it is material, the Chairman shall cause the attendance of the witness before the Board, or a member thereof, to testify concerning the demand, and the Board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which shall be paid out of the appropriation for the contingent expenses of the Board, but in no instance can an allowance be made in favor of a witness who appeared in behalf of the claimant.

Fees of witnesses.

Claims against State.

SEC. 6. Any person having a claim against the State for which an appropriation has been made, may present the same to the Board in the form of an account or petition, and the secretary of the Board shall date, number and file such claim, and the Board shall allow, postpone or reject the same in the order of its presentation. The Board may for cause postpone action upon a claim for not exceeding one month.

Approval of.

SEC. 7. If the Board approve such claim they shall endorse thereon, over their signatures, "Approved for the sum of ——— dollars," and transmit the same to the office of the State Auditor, and the Auditor shall draw his warrant for the amount so approved in favor of the claimant or his assigns in the order in which the same was approved.

State Auditor to issue warrant

Disapproval of claim.

SEC. 8. If the Board disapprove such claim, it shall cause to be filed with the records of the Board a statement showing such disapproval and the reasons therefor.

HeinOnline -- 1891 184 1891

SEC. 9. If no appropriation has been made for the payment of any claim presented to the Board, the settlement of which is provided for by law, or if any appropriation made has been exhausted, the Board shall audit the same, and if approved the chairman of the Board shall transmit the same to the Legislative Assembly with a statement of the Board's approval.

When no appropriation.

SEC. 10. Any person having a claim against the State, the settlement of which is not otherwise provided for by law, shall present the same to the Board of Examiners at least two months before the meeting of the Legislative Assembly, accompanied by a statement showing the facts constituting the claim, verified in the same manner as complaints in civil actions; *Provided*, That claims existing or accruing during the session of the present Legislative Assembly may be presented at any time and be acted upon forthwith.

Claims not provided for.

SEC. 11. On the first Monday of November preceding the meeting of each Legislative Assembly, the Board shall hold a session at the State Capitol for the purpose of examining the class of claims referred to in the preceding section, and may adjourn from time to time until the work is completed. Prior thereto they shall cause a list and brief abstract of all claims filed with them to be made and published in some newspaper at the seat of government for such time as they may prescribe. The list shall be accompanied by a general notice of the order in which, and of the time when, the board will proceed to examine the claims.

Notice of examination of claims.

SEC. 12. The board shall at the time designated proceed to examine and adjust all such claims. They may hear evidence in support of or against them, and report to the Legislative Assembly such facts and recommendations concerning them as they

HeinOnline -- 1891 185 1891

Hearing evidence.

may think proper. In making their recommendations they may state and use any official or personal knowledge which any member of the Board may have touching such claim.

Report to Legislature.

SEC. 13. The Board shall make up their report and recommendations at least thirty days before the meeting of the Legislative Assembly. A brief abstract of their report, showing the claims rejected and allowed and the amounts thereof, shall be published in a newspaper published at the seat of government for such time as the Board may prescribe before the meeting of the Legislative Assembly.

Member interested in claim.

SEC. 14. No member of the Board shall act upon any claim in which he is interested, or for expenditures incurred in his office, nor shall he be present when the decision thereon is made.

Rehearing of claim.

SEC. 15. The Board shall not entertain for the second time a demand against the State once rejected by it or the Legislative Assembly, unless such facts are presented to the Board, as in suits between individuals would furnish sufficient ground for granting a new trial.

Appeal to Legislature.

SEC. 16. Any person interested who is aggrieved by the disapproval of a claim by the Board may appeal from the decision to the Legislative Assembly of the State, by filing with the Board a notice thereof, and upon the receipt of such notice the chairman of the Board shall transmit the demand and all the papers accompanying the same, with a statement of the evidence taken before it, to the Legislative Assembly.

When Auditor shall not draw warrant.

SEC. 17. The State Auditor shall not draw his warrant for any claim unless it has been approved by the Board or the Legislative Assembly on appeal from the Board, except for salaries or compensation of officers fixed by law.

HeinOnline -- 1891 186 1891

SEC. 18. Whenever the Board has reason to believe that the State Auditor has drawn or is about to draw his warrant without authority of law, or for a larger amount than the State actually owes, the Board shall notify the State Treasurer not to pay the warrant so drawn or to be drawn, and thereupon the Treasurer is prohibited from paying the warrant whether already drawn or not, until, he is otherwise directed by the Legislative Assembly.

When State Treasurer must not pay warrant.

SEC. 19. As often as it may deem proper the Board shall examine the books of the State Auditor and Treasurer, the accounts and vouchers in their offices, and count the money in the treasury; and for that purpose it may demand, and the State Auditor and State Treasurer shall furnish without delay all information touching the books, papers, vouchers, or matters pertaining to their offices.

Board to examine books of Auditor and Treasurer.

SEC. 20. The Board shall, at least once in three months, make and file in the office of the Secretary of State, and publish in some newspaper at the seat of government a statement showing the amount of money in the State Treasury.

Report of State moneys.

SEC. 21. The State Auditor and Treasurer shall permit the Board of Examiners to examine the books and papers in their respective offices; and the Treasurer shall permit the moneys in the treasury without delay on any pretense whatever, to be counted whenever the Board may wish to make an examination or counting.

Auditor and Treasurer to submit to examinations.

SEC. 22. This act shall take effect and be in force from and after its approval.

When act takes effect.

APPROVED February 12, 1891.

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CONTRACTS FOR GOVERNMENT SUPPLIES.

A Bill for an Act to Provide for the Advertising for and Letting of Contracts for the Furnishing of Halls, Supplies and Printing for the State Legislature and Other Departments of the State Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Furnishing board.

SECTION 1. That the Governor, Lieutenant Governor and Speaker of the House of Representatives are hereby constituted *ex-officio* a furnishing board, with the powers and duties hereinafter specified.

To advertise for bids for stationery, printing, etc.

SEC. 2. It shall be the duty of said Board, as often as it becomes necessary, to advertise for twenty days in two daily newspapers in the State, one of which shall be published in the city of Helena, for sealed proposals to furnish all stationery, printing, paper, fuel and lights used in the Legislature and other departments of government, and the printing, binding and distributing of the laws, journals and department reports and other printing and binding, and the repairing and furnishing the halls used for the meetings of the Legislative Assembly and its committees. And said Board shall specify in said advertisement the amount and kind of each article required, sample and minute descriptions of which shall accompany and be deposited with the sealed proposals for furnishing the same, in the office of the Furnishing Board, and all proposals received as aforesaid shall be opened and compared by said Board, any two of whom shall constitute a quorum, at the office of said Board at

HeinOnline -- 1891 188 1891

12 o'clock m. of the day specified in said advertisement, and the Board shall then and there award the contract for furnishing said supplies, or any of them, to the lowest responsible bidder whose sealed bill shall be accompanied by a bond with two or more sureties in a sum to be not less than twice the amount of the value of the articles to be supplied, payable to the State of Montana, conditioned: That if the bidder shall receive the award, he will, in ten days thereafter, commence to deliver the supplies or articles for which he has been awarded the contract, under such rules and regulations as the Board may prescribe and conditioned for the faithful performance of the contract; *Provided*, That in their said advertisement said Board may classify said supplies and articles and may receive bids and award contracts for such separate articles or class of supplies as they shall deem the lowest and best; *Provided*, further, That said Board may require any class or articles of said supplies to be delivered in installments; *Provided*, further, That any and all bids that shall be deemed too high by said Board may be declined, in which case said Board shall again advertise for sealed proposals to furnish the class or articles of supplies for which bids have been rejected, as aforesaid, in open market, and in amounts sufficient for immediate necessities, but at prices not exceeding the lowest prices in the bids rejected, which supplies, when so purchased, shall be delivered to the Secretary of State; *Provided*, however, That all such contracts shall, before being executed by the Board, be approved by the Governor and State Treasurer.

To award contracts.

Bids may be rejected.

SEC. 3. The Board is hereby authorized to establish rules and regulations, in writing, not inconsistent with the laws for its government.

Rules.

HeinOnline -- 1891 189 1891

Inventory by Secretary of State.

SEC. 4. It shall be the duty of the Secretary of State, immediately after the passage of this act, to take a full and complete inventory of all stationery, blank books and other articles and supplies aforesaid then on hand, and enter the same in a set of books to be kept for that purpose, making a separate account for each class of articles, and in like manner he shall enter in said book a detailed and classified account of all purchases of articles and supplied authorized by this act, showing the amount and cost of each article, and class of supplies purchased, the amount and cost of each article and class issued, the amount and cost of each article and class issued to each State officer, member of the Legislature, and the amount and cost of each article and class on hand. He shall issue the supplies aforesaid only upon the requisition of the proper officers, and shall take a receipt for the same upon delivery, which requisition and receipt shall be filed and preserved in his office.

Who shall keep books.

And issue supplies on requisition.

Inventory by Board.

SEC. 5. It shall be the duty of said Board, at the end of each fiscal year, and at such other times as they shall deem necessary, to cause an inventory to be taken of all the articles and classes of said supplies on hand and contracted for, and to make an examination of the amounts and vouchers appertaining to the same.

Board to report to Legislature.

SEC. 6. It shall be the duty of said Board, at least one month previous to the assembling of the Legislature in regular session, to advertise, in accordance with section 2 of this act, for a supply of stationery, fuel and such other articles as shall be sufficient for the use of the State officers and members of the Legislature, or necessary for the public service, and at the commencement of each session said Board shall report to the Legislature a full account of their receipts of supplies for same and expenditures and stock of supplies on hand.

HeinOnline -- 1891 190 1891

SEC. 7. The actual expense incurred by said Board in executing the powers and discharging the duties prescribed and imposed in this act, when certified by them, shall be audited by the Board of Examiners as prescribed by law, and paid by the Treasurer of said State on proper warrant out of any money which shall have been appropriated for that purpose; *Provided*, Nothing in this act shall be construed as allowing salary or compensation to said Furnishing Board for any service performed by such Board.

Expenses to be audited.

SEC. 8. No member or officer of the government shall be in any way interested in such contract.

No member to be interested in contract.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing clause.

APPROVED March 7, 1891.

STATE BOARD OF PARDONS.

An Act entitled "An Act Regulating the Granting of Pardons, Commutations, Respites and Remissions, and Prescribing the Function and Duties of the Board of Pardon.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Board of Pardon shall consist of the Secretary of State, Attorney General and State Auditor, who may elect one of the number chairman, and who shall hold such office during the pleasure of the Board.

Board of Pardon.

SEC. 2. The Board may have a clerk, who shall hold his office during its pleasure, and who shall

Clerk.

HeinOnline -- 1891 191 1891

Salary of.

perform such duties as the Board may prescribe. The clerk shall have a salary of fifty ($50) dollars per month, payable monthly.

Meetings.

SEC. 3. The Board shall hold regular monthly meetings at its office at the State Capital on the second Monday of each month, and such special meetings as the chairman may direct, or any two members thereof.

Notification of pardon, etc., from Governor.

SEC. 4. Upon the receipt of any statement or communication from the Governor that he has granted a pardon, absolute or conditional, or remitted a fine or forfeiture, or commuted a punishment of any person after conviction and judgment for any offense committed against the criminal laws of this State, the Board shall immediately convene at the office of said Board for the consideration of such notification of pardon, remission or commutation, as the case may be.

Order of Board appointing time.

SEC. 5. Upon consideration of the notification of a commutation or pardon granted, or the remission of a fine or forfeiture by the Governor, provided for in the preceding section, on its being filed the Board must, as to said matters or either of them, at such time, confine itself to the passing of an order which shall recite in substance as follows:

"WHEREAS, the Governor of Montana has this day officially notified this Board that he has granted a.....pardon (commutation of punishment or remitted a fine or forfeiture as the case may be), to one....., a convict confined in the State penitentiary (or to one....., who has been found guilty of an offense committed against the laws of this State), who was convicted of the crime of.....committed a....., in the County of....., State of Montana, on the.... day of...., 18.., and sentenced for a term of.... years.

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Therefore, be it ordered that..... the..... day of...., 18.., be set apart for the consideration of said (pardon, remission of fine or forfeiture, or commutation of punishment, as the case may be) so granted (or commuted) ss aforesaid; and all persons having an interest therein desiring to be heard either for or against the granting of the pardon (or commutation, remission of fine or forfeiture) are hereby notified to be present in....., noon of said day, at the office of the Board of Pardons at the State Capital of said State.

Further ordered that a copy of this order be printed and published in the.....(here insert name of some newspaper of general circulation in the county where the crime was committed)....a daily (or weekly) newspaper printed and published at....., in the State of Montana, once each week for two weeks, beginning.....18.. and ending.....

SEC. 6. That immediately upon the adoption of any such order as prescribed in section five of this act, the Board shall cause a copy of the same to be printed and published in the newspaper therein designated, once a week for two weeks prior to the hearing, and at the same time cause to be deposited at the postoffice at the capital, postpaid, a copy of said order and notice addressed to the County Attorney, Sheriff and County Clerk respectively, of the county where the crime was committed. They shall in like manner and at the same time mail a copy of the notice and order to the petitioner or the party in interest.

Publication of order.

SEC. 7. Prior to the time set for hearing any of the petitions or notices mentioned in section five (5) of this act, the clerk of the Board shall procure from the manager or person of corresponding duties of

Return upon

HeinOnline -- 1891 193 1891

the newspaper publishing the notice or order provided for in section five (5) an affidavit and return of the publication of the notice and order of hearing.

Record of hearing.

SEC. 8. That the time set for hearing any of the matters mentioned in section five (5) of this act, the Board shall cause to be kept a record showing:

First. The name of all persons appearing before said Board on behalf of the person pardoned by the Governor.

Second. The names of all persons appearing before said Board in opposition to the granting of the same.

Third. To reduce to writing the testimony of all persons giving evidence before the Board.

Fourth. That the affidavit and return from the printer of the publication of the notice and order of hearing, was on file, prior to the hearing thereof.

Persons may be heard for or against.

SEC. 9. The petitioners as well as parties opposed to granting the relief sought, may, in the discretion of the Board, be heard by counsel at the hearing of any case, when either party may be represented by counsel, the Board may fix the time allowed to each side.

Filing decision.

SEC. 10. Within twenty days of the hearing of any case, the Board must file with the Secretary of the State, their decision in writing, together with all papers used in each case, and transmit a copy of their decision to the Governor.

Record of decision.

SEC. 11. The decision of the Board in each case shall be entered at length in the "Record of Proceedings" of the Board as of the day when filed for record, and the dissent of any member thereto shall be filed and entered at the same time.

Record of proceedings.

SEC. 12. The Board shall keep a record of its proceedings in which shall appear a copy of all notifications of the granting of pardons, absolute or

HeinOnline -- 1891 194 1891

conditional, the remission of fine or forfeiture, the commutation of punishment transmitted to them by the Governor, with a list of the official signatures and recommendations in favor of each applicant, also stating therein:

First. The name of the convict.

Second. The crime of which he was convicted.

Third. The term of sentence and its date.

Fourth. The date of its commutation, pardon or remission.

Decision by majority.

SEC. 13. The decision of a majority of the Board shall be a decision of the Board on any question before it. Any member of the Board may administer oaths to witnesses in any case being heard before them. The Board may prescribe such rules and regulations for the discharge of their duties, not inconsistent with the provisions of this act, as they may deem necessary.

Any member may administer oaths.

Rules.

Expenses.

SEC. 14. All actual and necessary expenses incurred by the Board in the discharge of their duties, shall be a charge against the State, and shall be audited, allowed and paid as are other claims against the State.

APPROVED March 9, 1891.

WORLD'S FAIR COMMISSIONERS.

An Act to Provide for the Collection, Arrangement and Display of the Products of the State of Montana at the World's Columbian Exposition of 1893, and to Make an Appropriation Therefor.

WHEREAS, The Congress of the United States has provided by an act approved April 25, 1890, for celebrating the four hundredth anniversary of the

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discovery of America by Christopher Columbus by holding an international exhibition of arts, industry, manufactures and products of the soil, mine and sea, in the city of Chicago, in the State of Illinois, in the year 1893; and,

WHEREAS, It is of great importance that the natural resources, industrial development and general progress of the State of Montana should be fully and creditably displayed to the world at said exposition; therefore

Be it enacted by the Legislative Assembly of the State of Montana:

Board of World's Fair Commissioners

SECTION 1. That for the purpose of exhibiting the resources, products and general developments of the State of Montana at the World's Columbian Exposition of 1893, a commission is hereby constituted to be designated the Board of World's Fair Managers of the State of Montana, which shall consist of sixteen male residents of the State of Montana, to be organized and continue its duties as hereinafter provided.

Ex-officio members.

SEC. 2. The World's Columbian Commissioners and the members of the Board of Lady Managers of the World's Columbian Commission from the State of Montana and their respective alternates and the World's Columbian Commissioner at large and the members at large of the Board of Lady Managers from the State of Montana, with their respective alternates, if there be such representatives at large residing in said State, shall be *ex-officio* members of the Board of World's Fair Managers of the State of Montana.

Appointed by Governor.

SEC. 3. The members of said Board shall be appointed by the Governor within thirty days after the passage of this act, and shall meet at such time as the Governor may appoint, and organize by

HeinOnline -- 1891 196 1891

the election of a president, a vice president, a secretary and a treasurer. The treasurer of said Board shall give a bond to the State in the sum of Twenty-five thousand dollars, with four sureties, to be approved by the Governor for the proper performance of his duties. Five members of said Board shall constitute a quorum for the transaction of business. The Board shall have power to make rules and regulations for its own government; *Provided*, such rules and regulations shall not conflict with the regulations adopted under the act of Congress for the government of said World's Columbian Exposition.

Meeting and organization.

Bond of Treasurer.

Quorum.

Rules.

Any member of the Board may be removed at any time by the Governor for cause. Any vacancy which may occur in the membership of said Board shall be filled by the Governor.

Removal and vacancy.

SEC. 4. The members of the Board appointed under this act who are not officers thereof, shall be entitled to a compensation of five dollars per day for actual attendance for their services out of the appropriation hereinafter named.

Compensation of members not officers.

SEC. 5. The Board of World's Fair Managers is authorized and directed to appoint an executive commissioner and to fix his salary, subject to the approval of the Goveror, which shall be payable monthly out of the appropriation hereinafter made, and said executive commissioner shall be authorized and required to assume and exercise, subject to the supervision of said Board, all such executive powers and functions as may be necessary to a complete and creditable display of the interests of the State at the World's Columbian Exposition of 1893; and as the executive agent of said Board, he shall have personal charge of the solicitation, collection, transportation, arrangement and exhibition of the objects sent under the authority of the State to the World's Columbian Exposition of 1893, and of such

Executive Commissioner.

Salary of.

Duties.

HeinOnline -- 1891 197 1891

Report of.

objects sent by individual citizens of the State as may be by them placed in his charge. He shall make a report to the Board monthly, and shall hold office at the pleasure of the Board.

Board to prepare and exhibit products of State.

SEC. 6. The said Board shall have charge of the interests of the State and its citizens in the preparation and exhibition at the World's Columbian Exposition of 1893, of the natural and industrial products of the State, and of objects illustrating its history, progress, moral and material welfare and future development, and all other matters relating to the said World's Columbian Exposition having special reference to inducing immigration; it shall communicate with the officers of and obtain and disseminate through the State all necessary information regarding said Exposition, and in general have and exercise full authority in relation to the participation of the State of Montana and its citizens in the World's Columbian Exposition of 1893.

Other duties.

Reports.

SEC. 7. The said Board shall make a report of its proceedings and expenditures from time to time to the Governor, and at any time upon his written request to be by him transmitted to the Legislature, together with such suggestions as he may deem important regarding provision for a complete and creditable representation of the State at the World's Columbian Exposition of 1893.

Appropriation of fund.

SEC. 8. To carry out the provisions of this act the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, of which amount fifteen thousand dollars is hereby appropriated and made available for the use of said Commission for the year 1891, and the sum of thirty-five thousand dollars for the year 1892. And the State Treasurer is directed to pay the same from the general fund from time to time on the requisition of

Expenditures.

HeinOnline -- 1891 198 1891

said Board, signed by its president and secretary and approved by the Governor and accompanied by estimates of the expenses to the payment of which the money so drawn is to be applied.

APPROVED March 9, 1891.

HISTORICAL SOCIETY.

A Bill for an Act Concerning the Historical Society of the State Montana and Making an Appropriation therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the Historical Society of Montana, now organized under the provisions of an act of the Legislative Assembly of the Territory of Montana, entitled an "Act to incorporate the Historical Society of Montana," approved February 2, 1865, may become the Historical Society of the State of Montana by complying with the terms, conditions and provisions hereinafter contained and such terms, conditions and limitations as may hereafter be enacted for its government or control by the Legislative Society, said Society shall be the trustee of the State, and as such shall faithfully expend and apply all money received from the State to the uses and purposes directed by law, and shall hold all its present and future collections and property for the State, and shall not sell, mortgage, transfer, or dispose of in any manner or remove from the capital any article thereof or any part of the same, without authority of law or the consent of the Legislative Assembly, *Provided*, that this shall not be

Trustee of State

HeinOnline -- 1891 199 1891

construed to prevent the sale or exchange of any duplicates the Society may have or obtain. There shall be an Executive Committee of said Society, of which the Governor, Secretary of State and Attorney General shall be *ex-officio* members and take care that the interests of the State are protected.

Librarian and salary of.

SEC. 2. The Society may have a librarian who shall receive a salary of six hundred dollars per annum to be paid out of any funds in the State Treasury not otherwise appropriated. The public printer shall cause to be bound in suitable binding all newspaper files and other printed matter which the Society has or may hereafter have, under direction of the Library Committee and on the approval of the Governor and such printer shall print such circulars, labels and other matter as may be required by said Committee for the use of the library.

Binding of files by public printer.

Duties of Society.

SEC. 3. It shall be the duty of said Society:

First. To collect books, maps, charts and other papers and materials illustrative of the history of this State in particular and generally of the North-West.

Second. To procure from pioneers narrative of their exploits, perils and adventures.

Third. To procure facts and statements relative to the history progress and decay of the Indian tribes within the State.

Fourth. To collect and preserve fossils, specimens of ores and minerals, objects of curiosity connected with the history of the State and all such books, maps, writings, charts, or other material as will tend to facilitate historical, scientific and antiquarian research.

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Fifth. To bind, catalogue and carefully preserve all unbound books, manuscripts, pamphlets and especially newspaper files containing legal notices now in its possession or which it may hereafter receive.

Sixth. To biennially prepare for publication a report of its collections and such other matter relating to the transactions of the Society as may be useful to the public.

Seventh. To keep its rooms open at reasonable hours on business days for the reception of the citizens of this State and others who may wish to visit the same.

SEC. 4. For the purpose of aiding in the performance of the duties hereby imposed there is hereby appropriated annually to said Society the sum of seven hundred and fifty dollars to be expended by the president, secretary and librarian of said Society under the direction of the Executive Committee, and whenever it shall publish any volume of its collections or contributions the Auditor shall draw his warrant on the State Treasurer in favor of the treasurer of said Society for the cost thereof, *Provided*, the whole cost shall not exceed the sum of seven hundred and fifty dollars, but no warrant shall be drawn upon the State Treasury in behalf of said Society unless it shall file in the office of the Secretary of State within six months from and after the approval of this act a duly certified copy of a resolution passed by its Board of Directors accepting the terms and provisions of this act and donating to the State all books, papers and other property now owned by said Society. Appropriation for.

APPROVED March 4th, 1891.

HeinOnline -- 1891 201 1891

BOARD OF COMMISSIONERS AND CARE AND KEEPING OF INSANE.

An Act to Provide for the Care and Keeping of the Insane.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Commissioners

SECTION 1. The Governor, Sectetary of State and Attorney General shall constitute a Board of Commissioners for the Insane and shall exercise the powers and perform the duties hereinafter mentioned and as provided by law.

Officers.

SEC. 2. The Governor shall be president of said Board and the Secretary of State shall be the secretary of said Board.

Minutes.

SEC. 3. The secretary shall keep and preserve written minutes of all proceedings of said Board and shall deliver the same to his successors and each one of said Commissioners shall have one vote in determining any question and in the transaction of any business by said Board.

Vote of each Commissioner.

Board may make rules for care and custody of insane.

SEC. 4. The said Commissioners shall have the power to prescribe all necessary rules for the proper custody, maintenance and treatment of all persons adjudged insane in the manner provided by the laws of the State.

Must visit and inspect Asylum.

SEC. 5. Said Commissioners shall at all times have free access to the State Insane Asylum, and to such other place or places as may be at any time used under authority of the State for keeping insane persons, and it is hereby made their duty to visit and inspect the condition of the State Insane

HeinOnline -- 1891 202 1891

Asylum and other places in which insane persons are kept in the manner provided by law, at least once in three months.

SEC. 6. It shall be the duty of said Board of Commissioners to make full report of all their proceedings under this act, on or before the first day of December in each year, which report shall be filed with the State Auditor and shall be embraced in the report of the State Auditor to the Legislative Assembly.

Must file annual report.

SEC. 7. The Board of Commissioners for the Insane shall be allowed their necessary traveling and other necessary expenses in performing the duties prescribed in this act not exceeding the sum of five hundred dollars per annum.

Expenses.

SEC. 8. The Governor of the State is hereby authorized and empowered to invite, by publication, sealed proposals for the custody, maintenance and treatment of insane persons, in accordance with such rules as may hereafter be adopted by said Board of Commissioners for the Insane, for the proper custody, care and maintenance of all persons adjudged insane within this State, which publication shall be made in six newspapers published in the State of Montana; such publication shall be at least thirty days before any contract shall be made by the Governor by virtue of this act. All proposals tendered in pursuance of said publication shall be accompanied by a certified check upon some national bank for the sum of one thousand dollars to be forfeited if the contract shall be awarded upon such proposal and the person or persons making the proposal shall fail to execute a bond and enter into a contract in pursuance of the terms of such proposal. In case of the acceptance of any proposal and the making of a contract in pursuance thereof, the bond to be given by the con-

Governor to advertise by bids for keeping insane.

Bids must be accompanied by certified check.

HeinOnline -- 1891 203 1891

Bond of Contractor.

tractor shall be in the sum of fifty thousand dollars and it shall be conditioned for the faithful performance of the terms of the contract; *Provided*, that the insane shall be kept and maintained within the State of Montana.

Acceptance of bid and contract.

SEC. 9. The Board of Commissioners for the Insane shall canvass all proposals received in accordance with said publication and the Governor with the advice and consent of the Board is hereby authorized and empowered to contract on behalf and in the name of the State of Montana, with the lowest and best bidder for the care, custody, treatment and maintenance of such insane persons, in accordance with the requirements published, as aforesaid; but the Board shall have and shall reserve the power to reject any and all such proposals, and such contract shall require the person or persons entering into the same to receive all persons adjudged insane and delivered to him or them as provided by law, and to keep, maintain and treat them in accordance with the rules prescribed by said Board, and shall specify the compensation agreed upon for each of such insane persons.

Board may reject bids.

Terms of contract.

Same.

SEC. 10. The said contract shall require the person or persons entering into the same to provide and keep a secure and suitable building for the safe keeping, care and treatment of such insane persons in the manner prescribed by the Board of Commissioners for the Insane, and such person or persons shall immediately transmit and cause to be filed in the office of Secretary of State a notification of the place at which insane persons shall be delivered for safe keeping and treatment.

Board may annul contract.

SEC. 11. In case such contractor shall fail to perform his agreement the Board may declare said contract annulled, and proceed to re-advertise and

HeinOnline -- 1891 204 1891

relet the same, and, in the meantime, provide for the care and custody of such insane persons as may be under the care of such contractor, and such contractor and his sureties shall be liable for all damages sustained by reason of such failure.

Board of State Examiners to pass upon accounts of contractor.

SEC. 12. Before any sum shall be paid under said contract, the account therefor shall be first approved by the Board of Examiners, and, when so approved, it shall be the duty of the State Auditor to draw a warrant for the same upon the State Treasury, payable out of any money appropriated therefor.

Period of contract.

SEC. 13. No contract shall be made under the provisions of this act for a period exceeding three years.

Repealing clause

SEC. 14. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED February 27, 1891.

HeinOnline -- 1891 205 1891

DIVISION THREE.

LAWS PERTAINING TO COURTS, JUDGES AND COURT OFFICERS.

SEALS OF SUPREME COURT AND DISTRICT COURTS.

An Act to Enable the Courts of the State of Montana to Procure Proper Seals.

Be it enacted by the Legislative Assembly of the State of Montana;

Seal of Supreme Court.

SECTION 1. The seal of the Supreme Court shall be circular in form and not less than one and three-fourths inches in diameter, on which shall be engraved the words "Supreme Court, State of Montana," with the word "Seal" in the center thereof, which seal shall be procured by the Clerk of the Supreme Court at the expense of the State, and an impression thereof, certified to by the Clerk, shall be filed with the Secretary of State.

Seals of District Courts.

SEC. 2. The seals of the District Courts shall be circular in form, and not less than one and three-fourths inches in diameter, on which shall be engraved in the center the word "Seal," and the

HeinOnline -- 1891 206 1891

following inscription surrounding the name: "District Court.....Judicial District.....County, Montana," inserting the number of the Judicial District and the name of the county, which seal shall be procured by the Clerk of the District Court in each county of the State, at the expense of said county, and an impression thereof certified to by said Clerk shall be filed with the Secretary of State.

SEC. 3. The Clerk of the District Court shall keep the seal thereof at the county seat of his county. Custodian of seals.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed. Repealing clause

SEC. 5. This act shall take effect thirty days after its passage. When act takes effect.

APPROVED March 4, 1891.

TERMS OF SUPREME COURT.

An Act to Provide for the Holding of Regular Sessions of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Supreme Court shall hold four regular sessions or terms during every year at the capital of the State, which said sessions or terms, shall be designated as the March, June, October and December terms. Term of Supreme Court.

SEC. 2. Such terms shall commence respectively on the first Tuesday of the months of March, June, October and December.

APPROVED February 24, 1891.

HeinOnline -- 1891 207 1891

CLERK OF SUPREME COURT—ELECTION, DUTIES, ETC.

An Act entitled "An Act Prescribing the Compensation and Duties of the Clerk of the Supreme Court and Regulating Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Election and term of office of Clerk of Supreme Court.

SECTION 1. The Clerk of the Supreme Court shall be elected by the electors at large of the State and shall hold his office for the term of six years, or until his successor is elected and has qualified, and he shall receive for his official services a salary of two thousand five hundred dollars per annum, which shall be paid from the State Treasury in the same manner as the salaries of other State officers.

Salary

Fees to be collected by Clerks.

SEC. 2. The following fees shall be collected in advance by the Clerk for official services rendered in said Court: Docket fee, payable by appellant at time of filing transcript, ten dollars; docket fee, payable by respondent at time of filing appearance, five dollars; for making transcripts or copies of papers or records, fifteen cents per folio; for comparing documents requiring certificates, five cents per folio; for admission of attorneys, five dollars, and for each certificate under seal, one dollar; for filing all initiatory papers in original proceedings in said Courts, ten dollars; and these fees shall accrue to the State and shall be paid into the State Treasury.

Duties of Clerks

SEC. 3. It shall be the duty of said Clerk to safely keep the seal of the Supreme Court, its records and files, and the role of an attorney-at-law; to

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adjourn the Court from day to day at the beginning of any term in the absence of any Judge, and until the arrival of a majority of their number; to file all papers or transcripts required to be filed by law; to issue certificates or approve bonds or undertakings when so required; to make out all transcripts on appeals to the Supreme Court of the United States; to make copies of papers or records when demanded by law or the rules of the Court, and to perform such other duties as may by required of him by the Supreme Court. The Clerk is responsible and must account for and in his statements must charge himself with the full amount of all fees provided for in section 2, collectable or chargeable or occurring in causes brought into Court for services rendered therein up to the time of each statement, and he shall quarterly, on the first day of each respective quarter of the calendar year, pay all fees collected by him during the preceding quarter and accruing to the State, into the State Treasury, and shall at the same time deposit with the Secretary of State an itemized and verified statement of all fees collected or collectable by him for any official services rendered prior to the time of such statement and during the quarter for which such statement is made.

Appointment of Deputy.

SEC. 4. The Court in its discretion may, whenever it becomes necessary, appoint one Deputy Clerk at a salary not to exceed one hundred dollars per month for the time actually employed.

Repealing clause

SEC. 5. Section 1071, page 941, of the Compiled Statutes of Montana, and all acts and parts of acts in conflict herewith are hereby repealed.

APPROVED March 6, 1891.

HeinOnline -- 1891 209 1891

MARSHAL OF SUPREME COURT.

An Act to Create the Office of Marshal of the Supreme Court; to Provide for his Appointment; to Define his Duties and Fix his Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Marshal of Supreme Court.

SECTION 1. There is hereby created the office of Marshal of the Supreme Court.

Supreme Court to appoint.

SEC. 2. Immediately upon the passage of this act, and at such other times as there may be a vacancy in the office by this act created, the Supreme Court shall appoint some suitable person as Marshal of the Supreme Court, who shall hold office at the pleasure of the Court.

Duties.

SEC. 3. It shall be the duty of the Marshal to attend upon the Supreme Court and the Justices thereof at each term of Court. He shall be the executive officer of the Court, and shall act as crier thereof. He shall serve withih the State all writs and process issuing from the Supreme Court, and shall have all the powers and exercise all the duties pertaining to Sheriffs as to the District Courts, so far as the same are applicable.

Compensation.

SEC. 4. The Marshall shall be entitled to compensation as follows: For each day's actual attendance upon the Court and the Justices as hereinbefore provided, he shall receive the sum of four dollars; *Provided*, That in reckoning his per diem allowance as aforesaid, he may include all days from the first day to the last day of the term inclusive, and including days when the Court is in

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recess during the terms, and the Marshal is in attendance upon the Justices as aforesaid; *Provided, further*, That Sundays and other non-judicial days shall not be included. And when serving process of Court beyond the place where Court is held the Marshal shall be entitled to receive the same mileage as provided by law for Sheriffs in doing similar services, to be taxed as costs in other cases.

SEC. 5. All accounts of the Marshal shall be filed in the Supreme Court in a bill of items under oath certified by the Chief Justice, and when properly chargeable against the State and approved by the State Board of Examiners shall be paid out of the State Treasury upon the warrant of the State Auditor.

Accounts.

APPROVED February 26, 1891.

ADDITIONAL DISTRICT JUDGES FOR LEWIS AND CLARKE AND SILVER BOW COUNTIES.

An Act entitled "An Act to Provide for an Additional Judge for the District Courts in the First and Second Judicial Districts of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby created the office of an additional District Judge within and for the First Judicial District of the State of Montana; and the office of an additional District Judge within and for the Second Judicial District of the State of Montana, and such Judgeships shall be in addition to the Judgeships now in existence, and are created and shall be filled pursuant to the Constitution and laws of the State.

Creating additional District Judgeships.

APPROVED February 28, 1891.

HeinOnline -- 1891 211 1891

CONCURRENT JURISDICTION OF JUDGES IN THE SAME DISTRICT.

An Act entitled "An Act Defining the Powers and Prescribing the Duties of Additional District Judges.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Whenever there shall be created two or more Judgeships within any Judicial District, the additional District Judges so filling the said judgeships shall have equal and concurrent powers and jurisdiction with the other District Judges in the same District, and shall be subject to the same liabilities, and shall perform the same duties as are now, or may hereafter be imposed, and they shall receive the same compensation as is now, or may hereafter be provided by law for Judges of the District Courts.

Additional District Judges.

SEC. 2. All Judges within a Judicial District, whether additional or otherwise, may in all matters, and in the exercise of any and all judicial power, exercise their powers, either together or separately, or act interchangeably, pursuant to arrangements among themselves; *Provided*, That when two or more of the Judges in any District shall see fit to sit jointly upon the trial or hearing of any judicial matter in case of disagreement, the ruling of the majority, or, if but two shall be sitting, the ruling of the Judge regularly presiding in said matter, shall be deemed the ruling in the cause or matter, rather than the ruling of the Judge called to sit with him.

Powers of Judges and additional Judges in Judicial Districts.

HeinOnline -- 1891 212 1891

The said Judges may also for the convenient transaction of business, both at chambers and at Court, divide their said Court into as many, or a less number of departments, as there shall be Judges in the District, appointing, if necessary, a stenographer for each department, who shall be in lieu of, and receive like compensation as stenographers of the District Courts, and they shall be entitled to receive the services of the Clerk of the District Court, and his deputies in each of the said departments, and have by him proper and suitable records kept of the proceedings in each thereof, or of the respective Judges at chambers, in such manner and under such regulations as they may direct.

Departments of District Court.

Appointment of Stenographer for each Department

Record of proceedings in each Department.

They shall have power to classify all business to be transacted in said Court, including all business pending at the time of the creation of such additional Judgeships or Judgeship, and apportion the same as may to them seem desirable; *Provided*, That such classification shall be pursuant to some general plan, which said plan shall become a rule of Court, and be spread at large upon the Court minutes.

Apportionment of Business.

They may provide by rule for interchange of work and duties, for the signing of the bills of exceptions, orders, decrees and other evidences of proceedings; *Provided, always*, That the act of any single Judge, when sitting or acting alone, shall be deemed to be, and be the act of the District Court of the District wherein he may hold office, and shall also be deemed to be, if acting at chambers, the act of the presiding officer of the Court when so acting in chambers.

Intercharge of Duties by Rule of Court.

And they shall also provide generally as to all matters and things connected with the transaction of the business of the said Court in its respective departments, including the transmission by the Clerk of all papers and files to the respective de-

Same.

HeinOnline -- 1891 213 1891

partments to which causes may be assigned by rules not inconsistent with the provisions of this act.

Panel of Jury, Grand and Petit.

SEC. 3. A grand jury or panel of trial jurors for each department of the Court shall be drawn and empaneled as now is, or may hereafter be provided by law for a drawing of jurors, whether grand or trial, generally in District Courts; and when so drawn and summoned shall attend the department of the Court for which the panel was drawn; *Provided*, That no more than one grand jury shall ever be in attendance upon any District Court in any of its departments at one and the same time.

Term of Office and Election of additional judges

SEC. 4. The term of office of all additional Judges shall be of corresponding length as the terms of the District Judges, and they shall be chosen by election at the same time and in the same manner as is now, or which may hereafter be provided by law for the election of District Judges; *Provided*, That whenever by act of the Legislative Assembly such additional judgeships or judgeship shall be created in any Judicial District, the office or offices so created shall be deemed vacant from the time of the passage of said act until the election and qualification of an incumbent as hereinbefore provided for, and the said vacancy in the said office may be at any time after its creation filled by an appointment by the Governor of the State.

Appointment to fill vacancy.

APPROVED February 27, 1891.

HeinOnline -- 1891 214 1891

NINTH JUDICIAL DISTRICT.

An Act to Create the Ninth Judicial District of the State of Montana and to Provide for its Organization.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there be and is hereby created a new Judicial District, to be known as the Ninth Judidial District, and that said District be, and the same hereby is formed of the County of Gallatin, which, from and after the passage of this act shall constitute the same.

What to embrace.

SEC. 2. That within thirty days after the passage of this act the Governor of this State shall duly appoint some fit and qualified person Judge of the Ninth Judicial District, to hold his office until his successor shall be duly elected and qualified.

Appointment of Judge.

SEC. 3. The compensarion, powers and duties of the Judge of said Ninth Judicial District shall be the same as are provided by law and the Constitution of the State for Dtstrict Judges.

Compensation, Powers and Duties of.

SEC. 4. That from and after the passage of this act the Sixth Judicial District shall consist of the Counties of Park and Meagher, and the boundaries of said Judicial District are hereby altered so as to correspond to the provisions of this act.

What Sixth District to Embrace.

SEC. 5. The provisions of this act shall not work the removal of the Judge of said Sixth Judicial District, nor of any Clerk of the District Court of any of the Counties of Gallatin, Park or Meagher, and the Clerk of the Sixth Judicial Dis-

Not to Remove Incumbents.

HeinOnline -- 1891 215 1891

trict in and for the County of Gallatin shall continue to hold his office and be known as the Clerk of the Ninth Judicial District until his successor is elected and qualified.

APPROVED March 4, 1891.

TENTH JUDICIAL DISTRICT.

An Act to Create the Tenth Judicial District of the State of Montana and to Provide for its Organization.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there be and is hereby created a Judicial District of the State of Montana, to be known as the Tenth Judicial District, and that the said District be and is hereby formed to comprise the entire territory within the Counties of Choteau and Fergus and shall from and after the passage and approval of this act be and constitute the Tenth Judicial District of the State of Montana.

What to Embrace.

SEC. 2. That within thirty days after the passage of this act the Governor of the State shall duly appoint some fit and qualified person for Judge of the Tenth Judicial District to hold his office until his successor shall be duly elected and qualified.

Appointment of Judges.

SEC. 3. The compensation, powers and duties of the Judge of the Tenth Judicial District shall be the same as are provided by law and the Constitution of the State for the District Judges.

Compensation, Powers and Duties of.

SEC. 4. The provisions of this act shall not work a removal of the Judge of the Eighth Judicial

HeinOnline -- 1891 216 1891

District, nor of any Clerk of the District Court of any of the Counties of Cascade, Fergus or Choteau, but each of the Clerks of the said District Courts shall continue to hold his office and enjoy the emoluments thereof, as if this act had not been passed.

Not to Remove Incumbents.

SEC. 5. The Eighth Judicial District of the State of Montana shall hereafter be composed of the territory of Cascade County.

What Eighth District to Embrace.

APPROVED March 4, 1891.

INDEX TO DISTRICT COURT RECORDS.

An Act entitled "An Act to Provide an Index to District Court Records and Providing for Keeping the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That hereafter each Clerk of Court in each county of the respective Judicial Districts of the State shall keep, in addition to the records now required by law, a book to be called "General Index to Court Records," and also a second book to be called "Inverse General Index to Court Records," the pages of each of which shall be divided into 18 columns, with heads to the respective columns as follows: For the "General Index,' thus:

Index to Court Records.

HeinOnline -- 1891 217 1891

No.	Plaintiff	Defendant	Nature of Action	Date begun	Entries in Court Record	Pages	Date dismissed	Date of Judgment	Amount of Judgment	Judgment Record		Judgment Docket		Execution Date issued	Execution Book		Order of Sale		Date appealed	Remittor Date filed	Remarks
										Book	Page	Book	Page		Book	Page	Book	Page			

For the "Inverse General Index" the same as the "General Index," save that the second column shall be headed "defendant" and the third column "plaintiff" respectively.

SEC. 2. Said Clerk shall cause to be made in each of said index books correct entries under the appropriate headings of each and every action begun in the Court of which he is Clerk, entering them alphabetically by the name of the plaintiff in the "General Index," and alphabetically by the names of the defendants in the "Inverse General Index," continuing to make such entries in the manner aforesaid from time to time as the progress of the case may require.

Duty of District Court Clerk.

APPROVED February 23, 1891.

HeinOnline -- 1891 218 1891

POWERS OF DISTRICT COURT CLERKS IN VACATION.

A Bill for an Act Conferring Additional Powers on Clerks of District Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Clerks of the several District Courts of the State shall have power, in vacation, to file petitions for probate of wills and of administration and guardianship, issue notices of hearing of the same, and upon such hearing, grant letters testamentary, of administration, and of guardianship, where no protests or objections are made or filed thereto; appoint appraisors of property of decedentts; file and approve all bonds of executors, administrators and guardians; file all reports, accounts and petitions of executors, administrators and guardians; file and approve claims against estates; file and approve all accounts of executors, administrators and guardians (except final accounts); issue all orders of hearings and orders to give notice to creditors; and generally to make such orders as may be necessary to the exercise of the powers hereby conferred.

Powers of Clerk of District Court in Vacation.

SEC. 2. Any act of the clerks, as contemplated in section 1 of this act, shall be binding on all parties interested therein until the next term of the Court after they are entered of record, when they shall be read in open court and approved, set aside

Ratification of Acts of Clerk.

HeinOnline -- 1891 219 1891

or modified, but until so set aside or modified, it shall have the same force and effect as if done by the court.

SEC. 3. Nothing in this act shall be so construed as to in any way abridge the power or duties already conferred upon Clerks of the District Court.

APPROVED March 6, 1891.

HeinOnline -- 1891 220 1891

DIVISION FOUR.

LAWS RELATING TO COUNTIES AND DISTRICT AND COUNTY AND DISTRICT OFFICERS.

NOTICES OF ELECTION.

An Act Relating to the Duties of Clerks of Boards of County Commissioners in Issuing Notices of Election.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. It shall be the duty of the Clerk of the Board of County Commissioners of the several counties in the State, to include, in the notices of election provided for in section 1013, Fifth Division, Compiled Statutes, all offices that will become vacant by reason of expiration of term before the general election next succeeding the election for which such notices provide.

Notices of Election to Include Offices to become vacant.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing Clause

APPROVED March 4, 1891.

HeinOnline -- 1891 221 1891

ROAD VIEWERS.

A Bill for an Act to amend Section 1810, Fifth Division, General Laws of the Compiled Statutes of Moniana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 1810, Fifth Division, General Laws, Compiled Statutes of Montana, be, and is hereby amended so as to read as follows:

SEC. 1810. It shall be the duty of the Board of County Commissioners of any County in this State to appoint a board consisting of three freeholders or householders of the county to view and mark out the road prayed for in the petition, and to fix a time for such view and to cause notices to be posted in three or more public places along the proposed new road at least five days previous to the day fixed for the view thereof, giving parties in interest notice that at the time fixed by the Board of County Commissioners the viewers so appointed will meet at the point designated in the petition as the starting point of such road to attend to their duties as viewers. Proof of such notice shall be made by affidavit and filed in the office of the County Clerk.

Appointment and Duties of Road Viewers.

APPROVED March 6, 1891.

HeinOnline -- 1891 222 1891

YELLOWSTONE COUNTY TO INCLUDE CERTAIN TERRITORY.

An Act to Attach Certain Portions of the Right of Way of the Northern Pacific Railroad Company and the Rocky Fork and Cooke Ctty Railway Company to Yellowstone County for Purposes of Taxation and for Judicial Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. All of that portion of the right of way, depot and station grounds of the Northern Pacific Railroad Company, from the mouth of the Big Horn River to the first crossing of the Yellowstone River near Billings, and all that portion of the right of way, depot and station grounds of the Rocky Fork and Cooke City Railway Company from where the same enters the south boundary of the Crow Indian Reservation to the crossing of the Yellowstone River, be and the same is hereby annexed and attached to Yellowstone County for purposes of taxation and for judicial and other purposes, and all of said right of way, depot and station grounds, and all property situated thereon, which by the laws of Montana is subject to taxation, shall be listed, assessed and taxed in the said County of Yellowstone.

Adding certain portions of territory to Yellowstone County.

APPROVED March 4, 1891.

HeinOnline -- 1891 223 1891

BOUNDARIES OF DEER LODGE COUNTY.

An Act to Amend Section 731 of Chapter XXXVIII of the Fifth Division of the Compiled Statutes of Montana, Defining the Boundaries of Deer Lodge County and to Render the Same Definite.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 731 of Chapter XXXVIII of the Fifth Division of the Compiled Statutes of Montana be, and the same is hereby amended so as to read as follows:

Section 1. That all that portion of the State of Montana, embraced within the following described boundaries, shall be known as the County of Deer Lodge, to-wit: Commencing in the middle of Hell Gate River, at a point directly opposite the most northerly point of the Medicine Tree Hill; thence down the middle of said river to the mouth of Stony Creek; thence up the middle of Stony Creek to its middle branch; thence up the middle branch of Stony Creek to a point due west of the southeast corner of township No. 4 north, of range No. 10 west, of the principal base and meridian of Montana; thence due east to said southeast corner of township No. 4 north, of range No. 10 west; thence north along the Deer Lodge guide meridian to the closing corner to township No. 4 north, between ranges Nos. 9 and 10 west, on the first standard parallel north; thence along said standard parallel east to the southeast corner of section 35, township 5 north, range 8 west; thence directly north from

Defining Boundaries of Deer Lodge County.

HeinOnline -- 1891 224 1891

said southeast corner of section 35, township 5 north, of range 8 west to the northeast corner of section 2, township 6 north, range 8 west; thence west along the north boundary of township No. 6 north, of range No. 8 west, to the summit of the main range of the Rocky Mountains thence along the summit of the said mountains in a northerly direction to a point directly north of the Medicine Tree Hill; nnd thence due south to the place of beginning, in the middle of the Hell Gate River opposite the Medicine Tree Hill.

Boundaries of Jefferson County.

The boundaries of Jefferson County shall conform to the boundaries herein established.

Repealing clause.

SEC. 2. All acts or parts of acts, or sections or parts of sections of the Compiled Statutes of Montana, in conflict with this act are hereby repealed.

APPROVED March 5, 1891.

COUNTY BONDS.

An Act to amend Sections 790, 795, 796 and 808 of the Fifth Division of the Compiled Statutes of Montana.

Amending Law in Reference to County Bonds

SECTION 1. That section 790 of the Fifth Division of the Compiled Statutes of Montana be amended so as to read as follows:

When Bonds Redeemable.

Section 790. The bonds authorized to be issued by this article shall be redeemable at the pleasure of the County, any time after five years, and payable within twenty years from the date of their issue.

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SEC. 2. That section 795 of the Fifth Division of the Compiled Statutes of Montana be amended so as to read as follows:

Section 795. The Board of County Commissioners of any County may, when in its judgment it is advisable for the County to incur indebtedness or liability for any single purpose in an amount exceeding ten thousand dollars ($10,000), submit the question to the qualified electors of the County.

Submitting question of incurring County Indebtedness.

SEC. 3. That section 796 of the Fifth Division of the Compiled Statutes of Montana be amended so as to read as follows:

Section 796. Such election shall be called by the Board of County Commissioners of such County by publishing a notice therefor in some newspaper published in the County for at least thirty days previous to the time fixed therefor. If no newspaper be published in the County, then such notice shall be given by posting notices for such period of thirty days in each voting precinct in the County.

Election.

SEC. 4. That section 808 of the Fifth Division of the Compiled Statutes of Montana be amended so as to read as follows:

Section 808. The County Commissioners of each County of this State shall have, and are hereby given, in addition to the powers already conferred on them by law, the authority to issue on the credit of their respective county, coupon bonds to an amount sufficient to enable them to redeem any or all legal outstanding bonds, warrants or orders, and also whenever thereunto authorized by a vote of the electors of the County, they shall have authority to issue on the credit of their respective county, coupon bonds, for the purpose and to the amount thereby authorized, not exceeding in the aggregate, including outstanding bonded indebtedness, five per centum on the value of the taxable property within

Powers of County Commissioners to Bond Indebtedness and to Issue Bonds.

HeinOnline -- 1891 226 1891

such county, to be ascertained by the last assessment for State and County taxes previous to issuing such bonds. The issue of such bonds may be made at any time such County Commissioners shall deem it expedient for the interests of their respective County. Such bonds shall be redeemable and payable at such times not longer than twenty years after the date thereof, as the County Commissioners of the County issuing the same shall determine, and the interest which such bonds shall bear shall be fixed by such County Commissioners, not exceeding seven per centum per annum, and be represented by interest coupons, payable semi-annually on the first day of January and July of each year.

APPROVED March 4, 1891.

COUNTY AUDITOR.

An Act entitled "An Act to Create the Office of County Auditor."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the office of County Auditor is hereby created, and the same shall exist in all counties in the State of Montana, which now have or those which may hereafter acquire a total assessment of not less than eight million dollars, and the Governor shall, within sixty (60) days after the passage of this act, appoint some male person possessing the qualifications hereinafter prescribed, in each and every county having the necessary valuation, to serve as County Auditor in the county for which he may be appointed until the first Monday in January, A. D. 1893, and until his successor is elected and qualified.

Office of County Auditor in Certain Counties.

First Appointments by Governor.

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Election of.

SEC. 2. There shall be elected in and for each county having the necessary assessable valuation as hereinbefore stated, at the general election to be held in November, 1892, and quadriennially thereafter some male person to serve as County Auditor of the county for which he shall be elected for the term of four years and until his successor shall be elected and qualified, the term to begin on the first Monday in January succeeding his election. No person shall be eligible to the office of County Auditor of any county within the State who shall not have arrived at the age of twenty-one years and who shall not have been, for at least two years next preceding his election, a bona fide resident of the county for which he shall be elected or appointed.

Qualification of.

Oath and Bond of.

SEC. 3. Any person who shall be elected or appointed to the office of County Auditor, shall, before entering upon the duties of said office, take and subscribe such an oath as is by law required of other county officers, and shall execute a bond to the county in which he shall have been elected or appointed in the penal sum of fifteen thousand ($15,000.00) dollars, with at least two good and sufficient sureties for the faithful discharge of the duties of his office, said bond shall be approved by the Board of County Commissioners of the county, which said bond, together with the oath of office, shall be filed with the County Clerk and Recorder of said county.

Approval of Bond.

Residence and Salary.

SEC. 4. The County Auditor shall reside and keep his principal office at the county seat of the county for which he shall have been elected or appointed and he shall receive a yearly salary of fifteen hundred dollars ($1,500.00) payable quarterly by warrants drawn on the treasury of the County Treasurer and shall receive no other compensation

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or emolument whatsoever for any service or services rendered or performed by him, except actual expenses for living and traveling whenever the duties of his office require his presence at any place in the county other than the county seat and then only after the same has been ordered and advised by the Board of County Commissioners.

SEC. 5. The County Auditors are hereby authorized to administer any oath or affirmation rendered necessary to the performance of the duties of their respective offices and shall have power to issue process and compel the attendance of witnesses before them, and examine into any matter they may deem necessary, and any witness attending before such Auditor shall receive the same fees and mileage as witnesses attending before Justices of the Peace in trials or examinations in criminal cases.

Powers.

SEC. 6. The County Auditor shall carefully preserve all documents, books, records and other papers required to be kept in his office, and each County Auditor on going out of office shall deliver over to his successor in office all documents, books, records and property in his hands belonging to the county.

Must Preserve Records.

SEC. 7. It shall be the duty of persons holding claims against any county having a County Auditor to present the same to the County Auditor, whose duty it shall be to audit the same. The County Auditor shall also investigate and examine into all claims presented to him and report the same with his findings to the Board of County Commissioners at their regular session after such investigation shall have been completed with his approval or disapproval endorsed thereon, and he shall keep a complete record of all such claims and of his investigations and examinations of the same in a book

To Audit Claims.

Report Claims to County Commissioners.

To Audit Bills for Materials Purchased for County.

HeinOnline -- 1891 229 1891

kept for that purpose. In all counties having a County Auditor, all bills, claims, accounts or charges for materials of any kind or nature that may be purchased by and on behalf of the county by any of the county officers, or contracted for by the County Commissioners, shall be investigated, examined and inspected by the County Auditor, who shall endorse his approval or disapproval thereon, before any warrant for the payment of the same can be drawn. In all counties having a County Auditor, no claim against the county shall be paid or warrant drawn therefor, unless the same shall have the approval of the County Auditor; *Provided*, however, that the Judge of the District Court of the county where any claim has been disapproved by the County Auditor may order the payment of the same.

All Claims Against County must be Audited.

Disapproved Claim may be Ordered Paid by District Judge.

SEC. 8. The County Clerk and Recorder shall return to the County Auditor within ten days after the adjournment of each session of the Board of County Commissioners a list of the claims allowed or rejected either in whole or in part by them, which list shall be recorded by the Auditor in a book kept for that purpose and carefully preserved in his office.

County Clerk to Report Claims to.

SEC. 9. It shall be the duty of the County Auditor to make an examination of the books and accounts of the County Treasurer, the County Clerk and Recorder, the Sheriff and Clerk of the District Court, and all other county and township officers within fifteen days next preceding each regular session of the Board of County Commissioners at their next session immediately following such examination unless a longer time be granted him by the said Board in which to report the same, and said report shall contain a full and complete statement of the moneys received and disbursed by

Must Examine Books of County Officers.

HeinOnline -- 1891 230 1891

each of the said officers since the last examination and report of the same, and for this purpose the County Auditor shall have free access to all the books and papers in each of said offices.

Access to Books.

SEC. 10. The County Auditor hereby created is also made County Superintendent of the Poor, whose duty it shall be, under such rules and regulations as may be prescribed by the County Commissioners to care for and examine all claims that may be made upon the county for charity; also to have under the direction of the County Commissioners, general supervision of the county poor house or farm.

Ex-Officio Superintendent of County Poor.

SEC. 11. The County Auditor shall also perform such other duties, clerical or otherwise, as he may be directed to perform by the County Commissioners; *Provided*, a reasonable amount of time must be allowed the County Auditor for the performance of the duties definitely set forth in this bill.

Duties, when Prescribed by County Commissioners.

SEC. 12. All acts and parts of acts inconsistent herewith, are for the purpose of this act, hereby repealed.

Repealing Clause.

SEC. 13. This act shall take effect immediately after its passage and approval.

When Act to take Effect.

APPROVED March 7, 1891.

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REPORTS OF COUNTY OFFICERS.

An Act Requiring Certain County and District Officers to Report the Fees and Emoluments Received by Them to the County Commissioners, and Requiring the County Clerks to Report the Substance Thereof to the State Auditor, and for the Publication of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. It shall be the duty of all Clerks of the District Courts, County Clerks and Recorders, Sheriffs, County Attorneys, and all special attorneys in the employ of Counties, County Superintendents of Common Schools, County Treasurers, County Assessors, and Public Administrators, and the incumbents of all other County or District offices now created or that may hereafter be created by law, save Judicial officers and Notaries Public, to make quarterly reports to the Board of County Commissioners of their respective Counties, showing in full and detail all fees, emoluments or compensation received, and moneys disbursed by them, in their official capacity, from any and all sources pertaining to their respective offices during the quarter year immediately preceding the date of making such reports.

Quarterly Reports of Public Officers.

SEC. 2. The reports referred to in section 1 shall be in writing on oath, and shall be made on the first Monday of March, June, September and December in each year.

When and How Made.

SEC. 3. It shall be the duty of the Board of County Commissioners of the several Counties to carefully examine the reports provided for in sec-

HeinOnline -- 1891 232 1891

tions one (1) and two (2) of this act, and if found correct shall write the words "approved and ordered filed" on the back of said reports, and the Chairman of the Board shall sign the same, and if not found correct shall be returned to the official with a statement of the insufficiency, which shall forthwith be corrected by said official, by him returned to the Board, and if then found correct, filed as aforesaid.

To be Approved by County Commissioners.

SEC. 4. It shall be the duty of the Clerk of the Board of County Commissioners of each County within ten days after the adjournment of the Board of County Commissioners at each regular session referred to in section two (2) of this act to report in tabular form, to the Auditor of the State, from the information contained in said reports, amounts so received and for what purposes received, and moneys disbursed and for what purposes disbursed, shall be filed in the office of the Auditor of State.

Clerk to Report to State Auditor.

SEC. 5. The Auditor of the State is hereby required to publish said reports of the several County Clerks, in tabular form, annually, in the Auditor's and Treasurer's annual reports, and he shall also report the same to the Governor, annually. The published reports shall show, in tabular form, the amounts received and moneys disbursed by each officer in each county, and the sources from which said amounts were received.

Auditor to Publish.

SEC. 6. Any officer who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding five hundred dollars for each and every failure.

Penalty for Failure to Make Report.

SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 8. This act shall go into effect on and after its passage.

APPROVED February 23, 1891.

HeinOnline -- 1891 233 1891

BOARD OF PRISONERS.

An Act Fixing the Compensation for the Board of Prisoners Confined in County Jails.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The fees allowed the Sheriffs of the several counties of this State for the board of prisoners confined in jails under their charge, shall not exceed sixty cents per day for each of such prisoners.

Price for Board of Prisoners.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing Clause.

APPROVED February 26, 1891.

MILEAGE OF COUNTY OFFICERS, ETC.

A Bill for an Act entitled "An Act to Amend Section 944 of the Fifth Division of the Compiled Statutes of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 944 of the Fifth Division of the Compiled Statutes of Montana, be and the same is hereby amended so as to read as follows:

Section 944. County and township officers, jurors, witnesses, and all other parties that may be entitled to mileage from the several counties in the

Amendment as to mileage.

HeinOnline -- 1891 234 1891

State, or from any part to any action, cause or proceeding, either civil or criminal, shall be entitled to collect mileage at the rate of ten cents per mile for the distance actually traveled, and no more.

APPROVED March 6, 1891.

SALARIES OF COUNTY OFFICERS.

An Act Concerning Compensation of County, District and Township Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The fees, costs, percentages, penalties, allowances and all other perquisites of whatever kind, which by law any Sheriff, Treasurer, County Clerk, Recorder, Clerk or Deputy Clerk of the District Court, Assessor, County Superintendent of Common Schools in every county in this State, is or may hereafter be authorized to charge, receive and collect for any official service rendered by him or them, shall hereafter be received and collected by the said officers respectively to and for the sole use of the county treasuries of their respective counties, as public moneys belonging to said counties, and not otherwise, and shall be accounted for and paid over as such in the manner hereinafter provided; *Provided*, however, that nothing in this act shall be held to apply to the compensation received by the Sheriffs as mileage for actual and necessary traveling expense in the performance of official duties or for the board of prisoners.

All fees, etc., of County Officers to be for use of County.

Except Sheriff's Mileage and Board of Prisoners.

SEC. 2. That the said officers named in section 1, of this act, shall be, and they are hereby, classified according to the assessed valuation of their respective counties, as follows:

Classification of Counties for Purposes of Act.

HeinOnline -- 1891 235 1891

First Class. The first class shall consist of the officers of all counties whose assessed valuation is eight millon dollars, or over.

Second Class. The second class shall consist of the officers of all counties whose assessed valuation is four million dollars, or over, and less than eight million dollars.

Third Class. The third class shall consist of the officers of all counties whose assessed valuation is less than four million dollars.

SEC. 3. That the said officers named in section 1, of this act, shall each be allowed to receive, as annual compensation for their services as officers of their respective counties, by classes as follows, to-wit:

First Class.

Salaries in Counties of First-Class.

Treasurer, three thousand two hundred and fifty dollars.
Sheriff, four thousand dollars.
Assessor, twenty-five hundred dollars.
Clerk and Recorder, three thousand dollars.
Clerk of District Court, three thousand dollars.
County Attorney, twenty-five hundred dollars.
Superintendent of Common Schools, twelve hundred dollars.

Second Class.

In Second Class.

Treasurer, three thousand dollars.
Sheriff, three thousand dollars.
Assessor, twenty-five hundred dollars.
Clerk and Recorder, twenty-five hundred dollars.
Clerk of District Court, two thousand dollars.
County Attorney, fifteen hundred dollars.
Superintendent of Common Schools, twelve hundred dollars.

HeinOnline -- 1891 236 1891

Third Class.

In Third Class.

Treasurer, twenty-two hundred dollars.
Sheriff, twenty-seven hundred dollars.
Assessor, eighteen hundred dollars.
Clerk and Recorder, twenty-two hundred dollars.
Clerk of District Court, fifteen hundred dollars.
County Attorney, twelve hundred dollars.
Superintendent of Common Schools, one thousand dollars.

Salaries When and How Paid.

The salaries herein provided for shall be paid to the respective officers quarterly out of the contingent fund in their respective county treasuries upon a warrant of the County Commissioners; save and except County Attorneys, which salaries shall be payable likewise quarterly, one-half from their respective counties upon the warrant of the County Commissioners, and the other one-half from the State Treasurer upon the warrant drawn against the State Treasurer by the State Auditor, which last named warrant shall be drawn by the Auditor upon representation of a certificate from the Board of County Commissioners, of the respective counties, naming the amount for which the same shall be drawn, it being the intent and meaning of this act to limit the maximum actual compensation from all sources, of the officers named under this act, to the sums named in this section: *Provided*, however, that nothing in this act shall be held to apply to the compensation received by the Sheriffs as mileage for actual and necessary traveling expenses in the performance of official duties, or for the board of prisoners.

County Attorney, One-Half from State.

Sheriffs Mileage, etc.

SEC. 4. The maximum annual compensation which shall be allowed to any deputy or assistant employed to assist the officers named in section one of this act is hereby fixed and limited as follows:

HeinOnline -- 1891 237 1891

Salaries of Deputies in Counties of First Class.

First Class. Under Sheriff not to exceed eighteen hundred dollars; each Deputy Sheriff not to exceed twelve hundred dollars; Deputy Clerk and Recorder, not to exceed twelve hundred dollars; Deputy Clerk of District Court not to exceed twelve hundred dollars; Deputy Treasurer not to exceed twelve hundred dollars; Deputy Assessor not to exceed twelve hundred dollars.

In Counties of Second Class.

Second Class Under Sheriff not to exceed fifteen hundred dollars; each Deputy Sheriff not to exceed nine hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of the District Court not to exceed twelve hundred dollars.

In Counties of Third Class.

Third Class. Under Sheriff not to exceed fifteen hundred dollars; each Deputy Sheriff not to exceed eight hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of the District Court not to exceed twelve hundred dollars.

Limitation as to Deputies.

Provided, that the whole number of assistants and deputies allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation; *Provided*, in no county shall the number exceed six deputies. The whole number of deputies allowed the Clerk of the District Court shall not exceed six for counties of the first class, two for counties of the second class, and one for counties of the third class; *Provided*, further, that the whole number of deputies allowed the Treasurers of the first class shall not exceed one, and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by the County Commissioners; and no deputy shall be allowed Treasurers of the second and third classes. The Assessors in the first class shall be allowed one deputy for six months of the year.

HeinOnline -- 1891 238 1891

Said additional deputies for the first class shall receive a salary not to exceed one hundred dollars per month during the time of their services. Salaries of Additional Deputies

The number of deputies and their compensation allowed to the county officers within the maximum limits named in this act, shall be determined by the Board of County Commissioners. The salaries herein provided for or so much thereof as may be allowed, shall be paid by warrant drawn on the general fund of their respective counties in quarterly installments. Board of County Commissioners to control Number and Compensation of Deputies. Salaries, how paid.

SEC. 5. Before the County Commissioners shall issue a warrant upon the County Treasurer to any deputy or other assistant, for his compensation or salary as prescribed in section 6 of this act, said deputy or assistant shall sign a receipt and verify the same by oath or affirmation attached, which receipt and oath or affirmation shall be in the following form: Receipt and Oath of Deputies for Salaries.

No.....Received of the.....(here recite the county) by ....(here state name of party receiving salary or compensation) ....dollars, in full for services as ....(here insert services) for....ending.....A. D. 189..

....[Name of party receiving same.]

I hereby swear (or affirm) that I have rendered the services as herein stated, and that I have received the full sum set forth in the above receipt for my own use, and benefit, and that I have not paid, deposited or assigned, nor contracted to pay, deposit or assign any part of such compensation, for the use of any other person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give any reward or compensation for any office, or the emoluments thereof.

....[Name of party.]

Sworn to and subsribed before me this.....day of....189..

....[Signature of officer.]

HeinOnline -- 1891 239 1891

False Swearing, Perjury.

And said receipt and oath or affirmation shall be preserved and filed by the County Clerk, and any willful false swearing in connection with the foregoing oath will be deemed perjury and punished as such.

Compensation of Sheriffs performing duties for State or County.

SEC. 6. Every Sheriff serving or executing any writ or other process in cases where any county or the State shall be liable for such services, shall receive therefor his actual, reasonable and necessary expenses while in the performance of such duty, and such actual expenses shall be ascertained if a county demand by the County Commissioners, otherwise by the State Board of Examiners, and paid out of the proper treasury, but the same shall not be paid until the Sheriff serving or executing the writ or other process, shall make out a sworn statement in detail of the distance and route traveled, the place of starting, the name of the person or persons served with such writ, or other process; [in?] what cases, if any, writs were charged mileage upon at the same time, and the amount of money actually paid as expenses, with vouchers for the same, and if the County Commissioners or State Board of Examiners, as the case may be, after an examination of the same, shall find that the expenses are reasonable, and the amount stated was actually paid, they may allow the same or any part thereof, in which event the amount so allowed shall be paid out of the proper fund of the proper treasury.

Sworn Statement of such services required.

Fees of Justices of the Peace.

SEC. 7. Each Justice of the Peace shall be allowed a fee of one dollar at the commencement of any suit, civil or criminal, and five dollars additional for trying any case, and the same fees as are now, may or hereafter, be allowed by law to Clerks of District Courts for like services; *Provided*, that not more than ten dollars shall be allowed for all services required by law in the progress of any suit,

HeinOnline -- 1891 240 1891

including final judgment. He shall be allowed for transcript on appeal, or otherwise, twenty cents per folio.

SEC. 8. The fees of Constables shall be the same as those collected by Sheriffs for similar services, but they shall in no case charge, or be allowed any fee for attendance on the Court, for the entry of any warrant, or subpœna, separate or apart from the fee allowed for a return, nor for the discharge of any prisoner, nor shall he be allowed any mileage for any distance traveled less than one mile.

Fees of Constables.

SEC. 9. That the fees and salaries in this act provided shall be all the compensation by law allowed such officers, for all services which they are required to or by law can perform as such officers. Any such officers who shall receive any fee, or reward, or salary not specifically provided for by law, shall be liable to the county, State or persons paying the same for ten times the sum so paid to such officers, to be recovered by civil action, and shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one hundred nor more than five hundred dollars, and shall be imprisoned in the county jail for a term of not less than thirty nor more than ninety days.

Penalty for Receiving Illegal Fees.

SEC. 10. The Sheriffs of the several counties in this State shall in all cases where any county or the State shall be liable for fees for the services of any process, make a detailed statement showing the distance and route actually traveled, the place of the starting, and in what case or cases writs were served or mileage charged upon at such time, and upon failure to exhibit such statement duly verified, the payment for the same shall be refused.

Bills of Sheriffs against State or County.

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Repealing Clause.

SEC. 11. All acts and parts of acts inconsistent wih the provisions of this act are hereby repealed.

When Act to take effect.

SEC. 12. This act to take effect and be in force from and after January 1st, 1892.

APPROVED March 6th, 1891.

NUMBER OF SCHOOL TRUSTEES IN CITY AND TOWN DISTRICTS.

An Act entitled "An Act to Fix the Number of School Trustees in Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Number of School Trustees in Cities and Towns.

SECTION 1. That in all cities and towns within the State having a population of one thousand and upwards, the Board of School Trustees shall consist of seven members.

Terms of Office

SEC. 2. There shall be elected at the first annual school election after the passage of this act, five Trustees in such districts as provided for by section one, three of whom shall hold office for the term of three years, one for two years and one for one year; and at each annual election thereafter there shall be elected two Trustees in each of such School Districts, who shall hold office for the term of three years; *Provided*, that on each third year after such first election three Trustees shall be elected for the term of three years.

Ballots for Trustees.

SEC. 3. At each annual school election the ballots shall show the names of the candidates and the length of the term for which they shall be elected.

When Law to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

HeinOnline -- 1891 242 1891

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed. Repealing Clause.

APPROVED March 5, 1891.

SCHOOL ELECTIONS.

An Act entitled "An Act to Amend Section 1880 of the School Laws of Montana in Relation to Publishing Notices and the Qualification of Electors at School Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 1880 of the Fifth Division of the Compiled Statutes of Montana be, and is hereby amended to read as follows:

Section 1880. An annual meeting for the election of Trustee or Trustees shall be held in each district on the first Saturday in April in each year, at the district school house, if there be one, and, if there be none, at a place designated by the Board of Trustees. The Trustees shall post written or printed notices of election, specifying the day, time and place of meeting, in at least three public places in the district (one of which shall be upon the school house, if there be one), at least fifteen days previous to the day of election; *Provided*, whenever in the judgment of a majority of the Board of Trustees of any district, either in special or regular session, that the best interests of the districts will be served by the publication of such notice in some newspaper in the county, they may do so by an order, which must be entered upon the records of the district. All elections shall be by ballot, and the

Amendment of Sec. 1880, Comp. Sts. as to Publishing Notice and Qualification of School Electors.

HeinOnline -- 1891 243 1891

Trustees shall have power to determine the hours during which the polls of said election shall be kept open, having given due notice thereof in the posted notices of election. Every male person over twenty-one years of age, who is a citizen of the United States and who has resided six months in the district, and is a taxpayer thereof, and all female citizens of the United States over twenty-one years of age, and who have resided in the district one year next preceding the election, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, or one of the judges of election; and the chairman of the Board of Trustees, or in his absence, one of the other members of the Board, shall thereupon administer to the person challenged an oath or affirmation as follows- "You do swear (or affirm) that you are a citizen of the United States, that you are twenty-one years of age, according to the best of your information and belief, that you have resided in this district six months next preceding this election, that you are a taxpayer in this school district, and that you have not before voted this day." If the elector shall refuse to take the oath, his vote shall be rejected, and any person guilty of illegal voting shall be punished, as provided by the general election laws of this State. The Trustees shall have the same qualifications as electors, and be judges and inspectors of election, and if they are not present at the time for opening the polls, the electors present may elect the officers of election. A poll and tally list shall be kept by the clerk of the Board of Trustees, and, with the exceptions mentioned in this section, the election shall be conducted as far as practicable, in the form and manner of the general election. Any one of the old Trustees shall have power to administer to any Trustee-elect the oath of office, and the clerk of election

HeinOnline -- 1891 244 1891

shall issue the certificate of election to any Trustee-elect, who shall forward it to the County Superintendent of Public Schools.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

APPROVED March 6, 1891.

INDEBTEDNESS OF CITIES.

An Act to Amend an Act Entitled "An Act to Amend an Act to Enable Cities and Towns to Incur Indebtedness.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Section one of an act to amend an act to enable cities and towns to incur inebtedness, approved February 28, 1889, is hereby amended so as to read as follows:

Amendment to Sec. 1, Act of Feb. 28th, 1889.

Section 1. That any incorporated city or town in the State of Montana having an assessed valuation or eight hundred thousand dollars or over, is hereby authorized to submit to the qualified electors of such city or town the question whether coupon bonds shall be issued on the credit of such city or town to an amount not exceeding, including existing indebtedness, four per cent of its assessed valuation for the purpose of funding any or all existing indebtedness, constructing water works, public buildings, street grades, bridges, sewers or other public improvements.

How Incorporated City may Incur Indebtedness

APPROVED March 5, 1891.

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DIVISION FIVE.

LAWS RELATING TO CRIMES AND CRIMINAL PROCEEDINGS.

DEPOSITIONS IN CRIMINAL CASES.

An Act entitled "An Act to Provide for the Taking of Depositions of Persons Imprisoned for the Purpose of Securing Their Testimony in Criminal Proceedings."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. No person shall be imprisoned against his will for the purpose of securing his testimony in any criminal proceedings longer than may be necessary in order to take his deposition, and if any person be committed to jail upon process emanating from any Court for the purpose of so securing his testimony, the amount of bail required to secure his discharge shall be at the time of commiment, endorsed upon the process, and upon furnishing such bail he shall be entitled to instant release, and discharge from arrest.

Securing Testimony in Criminal Cases.

HeinOnline -- 1891 246 1891

SEC. 2. If the person so detained is unable to furnish the amount of bail required to secure his discharge, he shall within twenty-four hours after a request by him preferred to the officer having him in custody under said process, be taken before the nearest magistrate, and if he shall then demand that his deposition be taken, and that he be forthwith discharged, the said magistrate shall forthwith make an order directing the taking of such deposition, designating the officer or person before whom the same shall be taken, together with the time and place of the taking of the same, and the name of the witness, which order shall be served upon the accused and his counsel, if any he then have, and if he have none, then upon the accused alone, or in the event the accused, having no counsel, be either out on bail or cannot be found, then service of said notice may be made upon the magistrate by whom the accused was committed, which latter service when made in accordance with the provisions of this act shall constitute a reasonable notice to the said accused, and which said notice shall require the taking of a deposition at the time not less than two nor more than five days after the date thereof.

Notice of Taking Deposition.

SEC. 3. At the time and place named in the said notice the said persons so imprisoned shall be produced by the officer in whose custody he may be, and his deposition shall forthwith be taken by the officer named in the said order in the same manner and with like return and certificate as is now provided by law for the taking of depositions in civil cases, and when so taken, signed and certified to shall be sealed in an envelope and returned by the officer taking the same, to the Court or magistrate before whom the case or cases against said accused may then be pending, and when received by the said Court or magistrate, shall by him be plced with the files and papers in the said criminal

Manner of Taking Deposition.

HeinOnline -- 1891 247 1891

cause in which the said witness was so detained and imprisoned, and shall, in all further proceedings by the said magistrate and Court be treated as a part of the files in said cause.

SEC. 4. Immediately upon the taking and signing of the said deposition, the officer having the said person so detained in charge, shall forthwith release him from custody, and the deposition so taken in the manner aforesaid may be received, read and used in evidence upon any trial or further proceedings that may be had against the accused upon the said charge, or any other charge arising from the same facts, in the event, but only in the event the said witness whose deposition is so taken, shall be dead or absent from the State at the tim it becomes necessary to use the same.

Deposition, When Used.

APPROVED March 4, 1891.

INFORMATION—TRIAL ON SAME.

An Act Entitled "An Act Relating to Information in Criminal Cases."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The District Courts shall have original jurisdiction in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for.

District Court's Jurisdiction in Criminal Cases.

All criminal actions in the District Court, except those on appeal shall be prosecuted by information, after examination and commitment, by a magistrate, or after leave granted by the Court, or shall be

Prosecution by Information.

HeinOnline -- 1891 248 1891

prosecuted by indictment without any such examination or commitment, or without such leave of the Court.

SEC. 2. When the defendant has been examined or admitted to bail, as provided by law, or upon leave of Court, the County Attorney must, within thirty days after the delivery of the complaint and other papers, to the proper District Court, or after such leave file in such Court, an information, charging the defendant with the offense for which he is held to anwer, or with which he is charged, or any other ofiense by the facts disclosed; and before so doing he must inquire into and make full examination of all facts and circumstances touching the commission of any such public offense. If the County Attorney shall determine in the case of any person bound over that an information ought not to be filed, he must within thirty days after delivery of complaint and other papers to the proper District Court, file with the Clerk of the Court a statement in writing containing his reasons in fact and in law for not filing an information in such case, and thereupon the Court must examine such statement together with the evidence, if any, filed in the case, and, if upon such examination the Court is not statisfied with such statement the attorney must be directed and required by the Court to file the proper information and bring the case to trial. A District Judge may in extreme cases upon affidavits with him filed of the commission of crime, order the Prosecuting Attorney to prosecute any criminal by information for such crime, and may compel by attachment, fine or imprisonment, the compliance with said order.

County Attorney to file information.

When he fails, must file statement.

District Court must examine.

SEC. 3. In an information the offense charged therein shall be stated with the same fullness and precision in matters of substances as is now or may hereafter be required by law, in an indictment for

HeinOnline -- 1891 249 1891

the same offense. Different degrees of the same offense may be joined in one information in all cases where the same might be joined by different Courts in an indictment. All informations shall be in the name of the State of Montana, signed by the Prosecuting Attorney, and verified by him or some other person as complainant, and when verified by the Prosecuting Attorney, may be verified by him upon information and belief. There ahall be indorsed upon each information at the time of the filing of the same, the names of all witnesses known to the Prosecuting Attorney; and at such time before the trial of any case, as the Court may, by rule or otherwise, prescribe, he shall also indorse thereon, the names of such other witnesses as shall then be known to him.

District Court may require information to be filed.

Statement of offenses in information.

Requisites of information.

SEC. 4. All of the proceedings of the criminal practice act and all other provisions of law either relating or in any manner applying to prosecution upon indictments, to writs and processes therein and the issuing and service thereof and bail thereon, to motions, demurrers, amendments, pleadings, trials, penalties, and punishments, the passing or the execution of any sentence, appeals, and to all other proceedings in cases of indictment, whether in the Court of original or appellate jurisdiction shall, in the same manner and to the same extent and effect as near as may be, apply to prosecutions by information to all proceedings thereon, the same as if prosecuted by indictment.

Laws applicable to indictments to apply to information.

APPROVED March 2, 1891.

HeinOnline -- 1891 250 1891

PROTECTION OF GAME AND FISH.

An Act to Amend an Act Entitled "An Act for the Better Protection of Game and Fish."

APPROVED February 28, 1889.

Be it enacted by the Legislative Assembly of the State of Montana:

SEETION 1. That an act for the better protection of game and fish, approved February 28, 1889, be amended to read as follows:

Amending game law of February 28th, 1889.

SEC. 1. That any person who shall wilfully shoot or otherwise kill for the period of ten years from the passage of this act, any bison, buffalo, or quail, within this State, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than two months, nor more than six months, or both such fine and imprisonment for each offense, in the discretion of the Court, and the possession of the skin or meat of any such animal above mentioned, killed during said period shall be presumptive evidence that the person having either in his possession, killed the same in violation of this section.

Buffalo and Quail not to be killed.

Killing a misdemeanor.

Presumptive evidence.

SEC. 2. That any person who shall wilfully shoot or otherwise kill or cause to be killed any white-tailed deer, black-tailed deer, mule deer, mountain sheep, Rocky Mountain goat, antelope, elk or moose, between the 15th day of January and the 15th day of September of the same year shall be

Elks, Deer, etc. not to be killed between January 15th and September 15th.

HeinOnline -- 1891 251 1891

deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum no less than twenty dollars, nor more than fifty dollars, for each offense commited.

When Act not to apply.

SEC. 3. The provisions of this and the preceding section shall not be deemed or held to apply to persons who have raised or own the animals they kill.

Regulating Catching of Fish.

SEC. 3. That a fishing tackle consisting of a rod or pole, line and hooks or spear shall be the only lawful means by which fish may be taken in any of the waters of the State. That said hook shall not be baited with any poisonous drug or substance, and that it shall be unlawful for any person or persons to make any dams or use any fish traps, grab hooks, or similar means for catching fish, and no speckled or mountain trout shall be caught at any time for speculative purposes, or for market or for sale, and it shall be unlawful for any person to sell or offer for sale any speckled or mountain trout caught in the waters of this State; *Provided*, that a seine or catch-net having a mesh of not less than one inch square may be used in the Missouri River below the Great Falls thereof, and in the Yellowstone River below Clark's Fork thereof, and nothing herein contained shall prevent the use of seines or nets for the purpose of taking fish to be transplanted into private ponds, fish pools, fountains or aquariums. Any person or persons, company or corporation offending against this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty dollars, nor more than one hundred dollars, or shall be imprisoned for a period not more than six months, or by both such fine and imprisonment.

Violation of section a misdemeanor.

SEC. 4. Any person or persons who shall use any giant powder or other explosive compound

HeinOnline -- 1891 252 1891

for the purpose catching or killing fish, shall be deemed guilty of felony, and upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the State prison not less than one year nor more than three years.

Using explosives to catch or kill Fish, a felony.

SEC. 5. All acts or parts of acts in conflict with this act be and the same are hereby repealed.

Repealing clause

SEC. 6. This act shall take effect and be in force from after its passage.

When Act takes effect

APPROVED March 4, 1891.

EMBEZZLEMENT.

An Act Entitled "An Act Amending Section 92, Fourth Division of the Compiled Statutes of Montana, Relating to Embezzlement."

Be it enacted by the Legislative Assembly of the State of Montana:

SEC. 1. That section 92 of the Fourth Division of the Compiled Statutes of Montana be, and the same is hereby amended so as to read as follows, to wit:

Amendment to Law defining Embezzlement.

SEC. 92. If any clerk, apprentice, servant, agent, or any other persons, wherether bound or hired upon commission, percentage, salary or otherwise, who shall have received or been entrused with any money, goods, chattels or other property, from or by his master, principal or employer, shall withdraw himself from his master, principal or employer, and go away with the money, goods, chattels or other property, or any part thereof, with intent to steal the same and defraud his master, principal or

HeinOnline -- 1891 253 1891

employer thereof, contrary to the trust and confidence in him reposed by his said master, principal or employer; or who, being in the service of his said master or employer, shall embezzle the said money, goods, chattels or property, or any part thereof, or otherwise shall convert the same to his own use with like purpose to steal the same, every person so offending shall be punished in the manner prescribed by law for feloniously stealing property of the value of the articles so taken, embezzled or converted.

APPROVED February 23, 1891.

REPEAL OF LAW KNOWN AS "GAG LAW."

An Act to Repeal Sections 252, 253 and 254, of the Fourth Division of the Compiled Statutes of Montana, to-wit: Of the Criminal Laws.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That sections 252, 253 and 254, of the Fourth Division of the Compiled Statutes of Montana, to-wit: Of the Criminal laws of the State of Montana, be and the same are hereby repealed.

Repeal of Certain Criminal Statutes.

APPROVED March 2, 1891.

HeinOnline -- 1891 254 1891

OBSCENE LITERATURE.

A Bill for an Act Concerning Obscene Literature.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That it shall be unlawful for any person to sell, lend, give away or show or have in his possession, with intent to sell or give away or to show or to advertise or otherwise offer for loan, gift or distribution to any minor child under the age of sixteen years, any book, pamphlet, magazine, newspaper, lewd picture, story paper or other printed paper, devoted to the publication or principally made up of criminal news, police reports or accounts of criminal deeds or pictures and stories of lust or crime.

Penalty as to Obscene, etc. Literature for Protection of Minor Children.

SEC. 2. It shall be unlawful to exhibit upon any street or highway, or in any place within the view of any minor child under the age of sixteen years, any book, pamphlet, maganize, newspaper, lewd picture, story paper or other paper or publication coming within the description of matters mentioned in the first section of this act or any of them.

Same.

SEC. 3. It shall be unlawful to hire, use or employ, any minor child under the age of sixteen years to sell or give away or in any manner distribute, or who, having the care, custody or control of any minor child under the age of sixteen years, to permit such child to sell, give away or in any manner to distribute any book, pamphlet, magazine, lewd picture, newspaper, story paper or publication coming within the description of matters mentioned within the first section of this act, and any person

Same.

HeinOnline -- 1891 255 1891

violating any of the provisions of the act shall be guilty of a misdemeanor and on conviction shall be fined in any sum not exceeding three hundred dollars nor less than fifty dollars or to be imprisoned in the county jail of the county where the offense has been committed not to exceed six months or both fine and imprisonment at the discretion of the Court.

APPROVED March 4, 1891.

DEPREDATIONS UPON SCHOOL AND OTHER PUBLIC LANDS.

An Act to Prevent Depredations upon the School University and Other Lands of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SEC. 1 Any person or persons, company or corporation, unlawfully cutting, felling, girding, injuring or destroying any timber upon any of t e school, university or other lands of the State, or removing or attempting to remove any timber therefrom, or who shall knowingly purchase or receive any timber so removed as aforesaid, or cause or advise a removal therefrom by others, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than thirty days, nor more than six months, or both said fine or imprisonment.

Penalty for Depredations on State Lands.

SEC. 2. Any person or persons, company or corporation, violating the provisions of the foregoing section shall also be liable to a penalty equal to

HeinOnline -- 1891 256 1891

three times the value of the timber so injured, cut, destroyed, felled, girdled or removed, which said sum shall be recovered by a civil action in the name of the State, and all moneys recovered under the provision of this section shall be put into the public school fund of the State.

Treble Damages for Benefit of Public School Fund.

APPROVED March 4, 1891.

DISCHARGED EMPLOYEES—PROTECTION OF

An Act Entitled "An Act for the Protection of Discharged Employees and to Prevent Blacklisting."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That if any person, agent, company or corporation after having discharged an employee from his or its service shall prevent or attempt to prevent by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or coporation, such person, agent or corporation, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and such person, agent, company or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action; but this section shall not be construed as prohibiting any person or agent of any company or corporation from informing by word or writing any other person, company or corporation to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

Penalty for preventing discharged employee from obtaining situation.

HeinOnline -- 1891 257 1891

Treble Damages for Blacklisting.

SEC. 2. If any railway company or any other company or partnership or corporation in this State shall authorize or allow any of its or their agents to blacklist any discharged employee or attempt by word or writing or any other means whatever to prevent any such discharged employee or any employee, who may have voluntarily left said company's service, from obtaining employment with any other person or company, except as provided for in section one of this act, such company or co-partnership shall be liable in treble damages to such employee so prevented from obtaining employment, to be recovered by him in civil action.

To furnish discharged Employee with statement of cause.

SEC. 3. It shall be the duty of any person, agent, company or corporation after having discharged any employee from his or its service, upon demand by such discharged employee, to furnish him in writing a full, succinct and complete statement of cause or causes of his discharge, and if such person, agent, company or corporation shall refuse so to do within a reasonable time after such demand, it shall ever after be unlawful for such person, agent, company or corporation, to furnish any statement of the cause of such discharge to any person or corporation, or in any way to blacklist or to prevent such discharged person from procuring employment elsewhere, subject to the penalties prescribed in section 1 of this act.

APPROVED March 6, 1891.

REGULATION OF SALE OF KEROSENE OR COAL OIL.

A Bill for An Act for the Better Protection of Consumers of Kerosene or Coal Oil.

HeinOnline -- 1891 258 1891

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. No person or corporation shall sell or offer for sale, or use or cause to be used within the State, any kerosene or coal oil or any of the products thereof which by reason of being adulterated or for any other reason will at the temperature of one hundred and ten (110) degrees, Fahrenheit's thermometer, emit an explosive vapor or gas or be deficient in quality for illuminating purposes; *Provided*, that the quantity used for tests shall not be less than one-half pint. This shall not be so construed as to prohibit the use of the gas or vapor of oils for illuminating purposes when the oils from which said gas or vapor is generated or contained in reservoirs outside the building illuminated by such gas.

Adulteration.

SEC. 2. Any person, officer, agent or employee of any corporation violating the provisions of this act shall be deemed guily of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year or by a fine not exceeding five hundred ($500) dollars, or both fine and imprisonment in the discretion of the Court.

Violation of Act a Misdemeanor.

APPROVED March 5, 1891.

HeinOnline -- 1891 259 1891

DIVISION SIX.

GENERAL LAWS.

LABOR DAY.

A Bill for "An Act to declare the First Monday of September in each year to be a Legal Holiday, to be Known and Designated as "Labor Day."

Be it enacted by the Legislative Assembly of the State of Montana:

Legal Holiday.

SECTION 1. The first Monday of September in each year is hereby set apart and declared to be a legal holiday, to be known and designated as "Labor Lay."

Approved, March 4th, 1891.

BOUNTY FOR PRODUCTION OF SUGAR BEETS.

A Bill for An Act to Encourage the Production of Sugar Beets and the Manufacture of Sugar therefrom in Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1891 260 1891

SECTION 1. That the State of Montana will pay a bounty of 1 cent per pound upon the first million pounds of sugar beets grown within the State. One Cent per Pound.

SEC. 2. That upon proof presented to the State Board of Examiners and claims hereunder for manufactured sugar amounting to one hundred pounds or over, approved by said board, the Auditor shall draw his warrant on the Treasurer therefor and the Treasurer shall pay the same out of any money in the treasury not otherwise appropriated. Payment of Bounty.

APPROVED March 3, 1891.

CONSENT TO PURCHASE OF LAND BY UNITED STATES.

An Act Giving the Consent of the State of Montana to the Purchase, by the United States, of Land in any City or Town of the State, for the Purpose of United States Court House, Post Office and for Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The consent of the State of Montana is hereby given the United States to acquire, by purchase or otherwise any land in any city or town in said State, for sites for United States Court Houses, Post Offices and other purposes, not exceeding an area of three hundred thousand square feet in each case. Land for United States Buildings.

SEC. 2. The jurisdiction of the State of Montana in and over said lands is hereby ceded to the United States, subject to the restrictions hereinafter mentioned. Jurisdiction.

HeinOnline -- 1891 261 1891

Concurrent Jurisdiction.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of Montana shall retain a concurrent jurisdiction with the United States in and over the said land, so far as that all civil or criminal process which may issue under the laws or authority of said State, may be executed therein, in the same manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

When United States Acquires.

SEC. 4. The jurisdiction hereby ceded shall not vest in any respect to said lands, until the United States shall have acquired the title thereto by purchase or otherwise.

Exemption from Taxation.

SEC. 5. The said land acquired under the provisions of this act shall be and continue forever thereafter exempted and discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of the State; but the jurisdiction hereby ceded, and the exemption from taxation hereby granted, shall be and continue in respect to said land, so long as the same shall remain the property of the United States, and be used for public purposes, and no longer.

APPROVED March 5, 1891.

CEDING JURISDICTION OF CERTAIN TERRITORY TO UNITED STATES.

An Act Ceding to the United States Jurisdiction Over Certain Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1891 262 1891

SECTION 1, That pursuant to article 1, section 8, paragraph 17, of the Constitution of the United States, consent to purchase is hereby given and exclusive jurisdiction ceded to the United States over and with respect to all lands within the State which are or may be embraced within the Yellowstone National Park, together with all such lands as are now or may hereafter be occupied and held by the United States for military purposes either as additions to the military posts over which jurisdiction is ceded by the Constitution of Montana, or as new or other posts or reservations established within the State for the common defense, reserving, however, to this State a concurrent jurisdiction for the execution upon said lands or in the buildings erected thereon of all process, civil or criminal, lawfully issued by the courts of the State and not incompatible with this session.

Ceding Jurisdiction to United States in Yellowstone Park and on Military Reservation.

SEC. 2. This act shall take effect from and after its passage.

When Act takes Effect.

APPROVED February 14, 1891.

SOLE TRADERS.

A Bill for An Act to Authorize Married Women to Transact Business in Their Own Name as Sole Traders.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Married women shall have the right to carry on and transact business under their own names and on their own account by complying with regulations prescribed in this act.

Transaction of Business by married Women.

HeinOnline -- 1891 263 1891

How married Woman may become a Sole Trader.

SEC. 2. Any married woman, residing in Montana, desirous to avail herself of the benefit of this act, shall give notice thereof, by advertising, in some public newspaper of general circulation in the county in which she resides, for four successive weeks; such notice shall set forth that it is her intention to make application to the district court of said county, on the date therein named, for an order of said court, permitting her to carry on business in her own name and on her own account, and it shall specifically set forth the nature of the business to be carried on. On the day named in the notice or at such future time as the court may appoint, on filing proof of publication the court shall proceed to examine applicant, on oath, as to the reason which induced her to make the application, and if it appear to the court that a proper case exists, it shall make an order, which shall be entered on the minutes, that the applicant be authorized and empowered to carry on, in her own name, and on her own account, the business, trade, profession or art named in the notice; but the insolvency of the husband apart from other causes tending to prevent his supporting his family, shall not be deemed to be sufficient cause for granting this application. Any creditor of the husband may oppose such application, and may show that it is made for the purpose of defrauding such creditor, and preventing him from collecting his debt or will occasion such result, and if it shall so appear to the court, the application shall be denied. On the hearing, witnesses may be examined on behalf of either party. Before making the order, the court or judge must require of the applicant an oath in writing to the effect that the application is not made for the purpose of delaying or defrauding any creditor of her husband. A certified copy of said order, with the oath endorsed thereon shall be recorded in the office of the

Creditor of Husband may oppose.

Copy of Order to be Recorded in Office of County Recorder.

HeinOnline -- 1891 264 1891

recorder of the county where the business is to be carried on, in a book to be kept for that purpose.

SEC. 3. After the order has been duly made and recorded, as provided in the second section of this act, the person therein named shall be entitled to carry on such business in her own name, and on her own account, and the property, revenues, moneys, and credits so invested shall belong exclusively to such married woman, and shall not be liable for any debts of her husband; and said married woman shall be allowed all privileges and be liable to all legal process now or hereafter provided by law against debtors and creditors, and may sue and be sued alone, without being joined with her husband. But nothing contained in this act shall be deemed to authorize a married woman to carry on business in her own name when the same is managed or superintended by her husband.

Carrying on Business.

Husband not to Manage Business

SEC. 4. Any woman availing herself of the benefit of this act shall be responsible for the maintenance of her children.

Responsibility for Maintenance of Children.

SEC. 5. The husband of the wife availing herself of the benefit of this act shall not be responsible for any debts contracted by her in the course of said business, without the special consent of her husband, given in writing, nor shall his separate property be taken on execution for any debts contracted by her.

Husband not responsible for her Debts.

SEC. 6. Sections 1433, 1434, 1435, 1436, 1437, 1438, 1440, 1441, 1443, of chapter LXXXVI., fifth division general laws compiled statutes of Montana, and all other acts and parts of acts in conflict with this act be and the same are hereby repealed; but nothing herein contained shall be construed to impair in any way the rights acquired by any married woman as sole trader under the laws of Montana prior to the passage of this act.

Repealing Clause

HeinOnline -- 1891 265 1891

When Act to take Effect.

SEC. 7. This act shall take effect from and after its passage and approval by the governor.

APPROVED March 6, 1891.

CONDEMNATION OF LAND BY RAILROADS.

An Act in Relation to the Exercise of Eminent Domain by Railroad Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Chapter XV of Comp. Statutes (Eminent Domain) to apply to Railroads.

SECTION 1. That all proceedings upon the part of any railroad corporation for the purpose of acquiring by the exercise of the right of Eminent Domain any lands and premises that may be necessary and proper for the right of way, or for the construction and operation of its line of railroad, or for any turn-outs, standing places for cars, depots, station-houses, or any other structures required in the construction or operation of its line of railroad, shall be had and conducted, and the rights of all parties thereto shall be determined under and by virtue of the provisions of Title XV of the First Division of the Code of Civil Procedure, Compiled Statutes of Montana, 1887, entitled 'Of Eminent Domain."

Repealing Clause

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED March 5, 1891.

HeinOnline -- 1891 266 1891

DAMAGES FOR STOCK KILLED BY RAILROADS.

An Act Requiring Railroad Companies to Pay for Damages to Stock.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Any corporation operating a railway in the State of Montana that fails to fence the same by fence suitable and amply sufficient to prevent cattle, horses, sheep and other live stock from getting on said railroad, at all points where such right to fence exists, shall be liable to the owner of any such stock injured or killed by reason of the want of such fence for the value of the property or damages caused, unless the same was occasioned by the willful act of the owner, or his agent.

Failure to fence renders rail road liable for Stock killed or injured.

And in order to recover it shall only be necessary for the owner to prove the injury or destruction of his property and the value thereof; and if such corporation neglects to pay the value of or damages done to any such stock within thirty days after notice in writing accompanied by an affidavit of such injury or destruction, has been served on any officer, station or ticket agent, employed in the management of the business of the corporation in the county where the injury complained of was committed, such owner shall be entitled to recover double the value of the stock killed or damages caused thereto; *Provided*, That if the railroad company shall have tendered within thirty days after said notice a sum equal to or greater than the value of the stock killed as the same may be afterward determined in court, such owner shall only be entitled to recover the actual value. The operating of trains upon depot grounds necessarily used by

Proof to recover.

When to recover double Value.

When rate of Speed is Negligence.

HeinOnline -- 1891 267 1891

the company and public, where no such fence is built, at a greater rate of speed than eight miles per hour, shall be deemed negligence and render the company liable under this section.

Duty of Conductor and Engineer when Stock killed or injured.

SEC. 2. Whenever any stock, such as horses, mules, cattle, sheep or any other valuable animals are killed, wounded or injured by railroad trains running in the State the conductor and engineer of the train doing the damage shall notify the station master or overseer at the station house nearest to the killing or wounding, whose duty it shall be to post within one week thereafter a true and correct description of such stock as may have been so killed or wounded at the nearest station house, giving a true and correct description of the color, marks, brands, and other natural description as may assist in identifying such stock, and the time when and the place where killed or wounded, and keep a record of the same, and on the failure to so advertise any stock killed or wounded the owner shall recover double damages for all stock so killed and not advertised.

Of Station master to give Notice

Penalty for mutilating, etc., killed or wounded animals.

SEC. 3. Any section boss, master hand or other person employed by any railroad company, owning or operating any railroad in this State, who shall mutilate, disfigure, burn, haul off or bury any animal that may be killed or wounded on any railroad in this State, or who shall fail to preserve all marks, or brands on hide or ear of such animal, without first notifying at least two citizens of the neighborhood not in the employ of the railroad company, shall be deemed guilty of a misdemeanor and be fined in any sum, not less than twenty-five dollars nor more than one hundred dollars for such offense.

Repealing Clause

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

HeinOnline -- 1891 268 1891

SEC. 5. This act shall take effect and be in force from and after August 1, 1891. When Act to take Effect.

APPROVED March 2, 1891.

EMINENT DOMAIN.

An Act to amend Sections 608 and 614 of the First Division of the Code of Civil Procedure, being Title XV, of the Compiled Statutes of Montana of 1887, entitled "Of Eminent Domain."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That Section 608 of the First Division of the Code of Civil Procedure, being Title XV. of the Compiled Statutes of Montana of 1887, entitled "Of Eminent Domain" be, and the same is hereby amended so as to read as follows: Amending Eminent Domain Law.

SEC. 608. The Commissioners mentioned in the last preceding section shall, before entering upon their duties, severally take and subscribe an oath before some person qualified to administer oaths, faithfully and impartially to discharge the duties of their appointment. The said commissioners shall meet at the time and place mentioned in the order appointing them, and to proceed to examine the lands sought to be appropriated, and shall hear the allegations and evidence of all persons interested in each of the several parcels of land, and shall ascertain and assess: Duties of Commissioners. What to Ascertain and Assess.

FIRST.—The value of the property sought to be appropriated, and all improvements thereon, pertaining to the realty, and of each and every separate estate and interest therein; if it consists of different parcels, the value of each parcel, and each estate, or interest therein shall be separately assessed.

HeinOnline -- 1891 269 1891

SECOND.—If the property sought to be appropriated constitutes only a part of a larger parcel, the damages which shall accrue to the portion not sought to be condemned by reason of its severence from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the plaintiff.

THIRD.—Separately how much the portion not sought to be condemned, and each estate or interest therein, will be benefitted, if at all by the construction of the improvements proposed by the plaintiff, and if the benefit shall be equal to the damages assessed under sub-division two (2), the owner shall be allowed no compensation except the value of the portion taken ; but if the benefit shall be less than the damages assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

When to File Report.

FOURTH.—As far as practicable compensation must be assessed for each source of damage separately. Within three (3) months after completing their said examination, and the making of said appraisement and assessment of damages the said commissioners shall file a full report of their doings in the premises, accompanied by a map showing the route and location of the proposed railroad or other public works or improvements, in the office of the clerk of the court, in the county where the said proceeding is pending, and shall notify the parties interested in such report that the same is made and filed ; such notice shall be served upon the respective parties in the same manner as summons in civil action. Appeals from the assessments made by the commissioners may be taken and prosecuted in the court where the report of said commissioners is filed, by any party interested. Such appeal must be taken within the period of

Notice of.

Appeals.

When and how taken.

HeinOnline -- 1891 270 1891

thirty days after the service upon appellant of the notice of the filing of the award by the service of notice of such appeal upon the plaintiff in such proceeding, and the same shall be brought on for trial upon the same notice and in the same manner as other civil actions, and unless a jury shall be waived by the consent of all parties to such appeal, the same shall be tried by jury, and the damages to which appellant may be entitled to by reason of the appropriation of his property, shall be re-assessed upon the same principle as hereinbefore prescribed for the assessment of such damages by commissioners ; upon any verdict or assessment by commissioners becoming final, judgment shall be entered declaring that upon payment of such verdict or assessment, together with the interest and costs allowed by law, if any, the right to construct and maintain such railroad or other public work or improvement, and to take, use and appropriate the property described in such verdict or assessment, for the use and purposes for which said land has been condemned, shall as against the parties interested in such verdict or assessment, be and remain in the plaintiff and his or its heirs, successors or assigns, forever.

Trial of.

Judgment upon Assessment or Verdict.

In case the party appealing from the award of commissioners in any proceeding as aforesaid, shall not succeed in increasing the amount of damages finally awarded to him in such proceeding, he shall not recover the costs of such appeal ; but all the costs of the appellee upon such such appeal shall be taxed against and recovered from the appellant.

Costs on Appeal.

Provided, That upon the trial of such appeal, the plaintiff may contest the right of any party or parties thereto, to any of the property mentioned and set forth or involved in said appeal, which was located after the preliminary survey of any such

HeinOnline -- 1891 271 1891

railroad, seeking to condemn its right of way under and pursuant to the provisions of this act.

Provided, Such condemnation proceedings are begun within one year after such preliminary survey.

Repealing Clause

SEC. 2. That section 614 of the First Division of the Code of Civil Procedure, being Title XV of the Compiled Statutes of Montana of 1887, entitled, "Of Eminent Domain," be, and the same is hereby amended so as to read as follows:

Use and possession pending Proceedings.

SEC. 614. That at any time after the issuing of the summons, the court, or any judge thereof at chambers, may authorize the plaintiff, if already in possession, to continue therein, and if not, then to take possession of and use the property during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against the plaintiff on account thereof, but the plaintiff must give security to be approved by such court or judge.

To pay as well the compensation in that behalf when ascertained, as all damages which may be sustained by the defendant, if for any cause the property shall not be finally taken for public use.

When Act to take Effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED March 6, 1891.

COLLEGES.

A Bill for An Act to Enable Universities and Colleges under the Patronage of Relegious Bodies to Reorganize and Change Their Names.

HeinOnline -- 1891 272 1891

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Law Relating to certain class of Colleges and Universities.

SECTION 1. That section 620 of chapter 31, Fifth Division of the Compiled Statutes of Montana, 1887, be amended to read as follows:

SEC. 620. That said persons shall make a declaration in writing, which they shall sign and acknowledge as provided by law for making acknowledgements to deeds, and cause the same to be recorded in the office of the Recorder of Deeds in the county where such institution is located, and shall file with the Secretary of the State of Montana a copy thereof, but such corporation shall have the right to amend from time to time, any of the several items in said declaration, by proceeding in the same manner as provided in the case of the first declaration; *Provided*, That when such corporation shall be under the auspices of any church organization, the consent of such church organization must first be obtained and a certificate thereof filed with the amended declaration.

Same.

SEC. 2. That the second subdivision of Section 621 of the same chapter be amended to read as follows:

Second. The number of trustees who shall have the care of such institution, which number shall not be less than five, and by what body or bodies elected.

Same.

SEC. 3. That Section 623 of the same chapter be amended to read as follows:

SECTION 623. The number of trustees may be increased or diminished by the body or bodies that elect the same; *Provided*, That the number is not diminished to a number less than five.

Same.

SEC. 4. That Section 624 of the same chapter be amended to read as follows:

HeinOnline -- 1891 273 1891

SECTION 624. The said corporation may be formed under the auspices of any church or society. If formed under the auspices of any church organization the trustees may be elected by one or more presbyteries, conferences, convocations or other ruling bodies of such church; if by any society then by the members of such society.

The alumni of such seminary, college or university, also the corporation, may share in the election of a specified number of trustees whenever the body or bodies originally electing trustees shall so direct, but such authority once granted may be exercised perpetually.

APPROVED March 4, 1891.

BOUNTIES FOR KILLING WILD ANIMALS.

A Bill for An Act to Provide for the Payment of Bounties for the Killing of Certain Stock Destroying Animals and for the Repeal of All Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Bounties for killing certain wild animals.

SECTION 1. There shall be paid out of the State Treasury for the killing of animals hereinafter mentioned, hereafter killed in said State, the following bounties: For each mountain lion, five dollars; for each bear, five dollars; for each wolf or coyote, two dollars; for each wild cat, lynx or bob cat, one dollar.

Proceeding to obtain.

SEC. 2. Any person killing any one of the above named animals for the purpose of obtaining the bounty thereon, shall within ninety (90) days from

HeinOnline -- 1891 274 1891

the date of killing any of said animals exhibit the entire skin of said animal or animals, including the tail and the skin from the forehead embracing the ears of each animal, to any Justice of the Peace of the County in which such animal or animals were killed.

SEC. 3. Any person presenting to any Justice of the Peace the skin or skins of any such animals for the purpose of obtaining bounty thereon, shall at the time, file with such Justice of the Peace, his affidavit setting forth that affiant killed or caused to be killed the animal or animals from which the skin or skins were taken, that the same were killed within the bounds of the county in which the application for certificate is made, which certificate shall be substantially in the followingform:

Affidavit for Certificate.

BOUNTY CERTIFICATE.

Form of Certificate.

STATE OF MONTANA, } ss.
COUNTY OF ..... }

I,....., a Justice of the Peace of ..... County, do hereby certify that .....has exhibited to me this..... day of....., A. D. 18.... the skin..... of.....of.....and has filed with me his affidavit that he killed within ninety days from this date the animal..from which the above skin.. taken and that the same.....killed in the above named County.

And I further certify that I have carefully examined and punched the ears of the above mentioned skin...according to law, in the presence of .....whose name is hereto subscribed.

.....
Justice of the Peace.

Witness.....

HeinOnline -- 1891 275 1891

Duty of Justice of the Peace.

SEC. 4. The Justice of the Peace shall before issuing certificate to any person or persons for the killing of any of the above mentioned animals, require the affidavit of two respectable freeholders, residents of said County, that they are acquainted with the person or persons exhibiting the skin or skins, that to the best of their belief the animal or animals from which said skin or skins were taken were killed within the limits of said County.

Same.

SEC. 5. That the Justice of the Peace with any disinterested freeholder of said County, who shall be present shall minutely examine each skin presented in order to prevent fraud and should said Justice of the Peace and said disinterested freeholder, after careful examination, find that the scalp and ears belonging to each skin have not been severed, patched or punched, the Justice of the Peace shall then in the presence of the said disinterested freeholder mark each ear by punching a hole one inch in diameter in the same and then shall deliver said skins to the owner or owners.

Justice to deliver Certificate.

SEC. 6. The Justice of the Peace shall then and there make out and deliver to such owner a certificate showing the number and species of skin or skins so punched, such certificate shall be duly signed by him in his official capacity and shall be attested by said disinterested freeholder who shall witness and sign the same. The Justice of the Peace shall receive from the party to whom the certificate is issued the sum of 25 cents for each and every skin so punched, which shall be in full compensation for all services rendered by such Justice of the Peace under the provisions of this Act, including affidavit and certificate.

Fee of.

Record.

SEC. 7. It shall be the duty of the Justice of the Peace to keep a record in a bound book kept for the purpose, of all skins so punched, showing dates, number and kind of skins so punched, name of

HeinOnline -- 1891 276 1891

owner or owners and of the witness, and said book shall be transmitted to his successor on the expiration of his term of office.

Justice may require further Evidence.

SEC. 8. Whenever any Justice of the Peace shall have reason to believe that any person or persons presenting the skin or skins of any of the above mentioned animals for the purpose of obtaining bounty thereon has evaded any of the provisions of this Act or seeks to obtain the bounty thereon unlawfully, it is hereby made his duty to require from such person or persons satisfactory evidence of the time, place and manner of the killing of said animal or animals.

Issue of Warrant upon Certificate.

SEC. 9. It shall be the duty of the State Auditor, upon a written order of the State Board of Examiners, to give the person or persons presenting the said written order a warrant on the State Treasury for the amount, as specified in Section one of this Act. The person presenting the said written order shall receipt upon the back of it the full amount received, and the Auditor and Treasurer shall keep an account of all warrants so issued and paid, which shall appear in their annual reports to the Governor.

Penalty for Counterfeiting Certificate or Order.

SEC. 10. Any person who shall falsely make, alter, forge or counterfeit any of the certificates or orders mentioned in this Act shall be deemed guilty of a forgery, and upon conviction thereof shall be punished by imprisonment in the State Prison for a term not less than one (1) year nor more than ten (10) years.

Evasions of Law punishable.

SEC. 11. Any person or persons who shall patch up any skin or scalp with intention to defraud the State or shall sign any certificate or order herein provided for, without first counting the skins or shall intentionally evade any of these provisions, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two

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hundred (200) dollars nor more than one thousand (1,000) dollars or by imprisonment in the County Jail for not less than two nor more than six months, or by both such fine and imprisonment.

False Swearing

SEC. 12. Any person or persons who shall swear falsely as a witness or procure the same to be done by another for the purpose of obtaining or procuring from any Justice of the Peace of this State a certificate or order as in this act mentioned, shall be deemed guilty of perjury or subornation of perjury as the case may be and upon conviction thereof shall be punished by imprisonment in the State Prison for a term not less than one (1) year nor more than ten (10) years.

Repealing Clause

SEC. 13. That an Act entitled an Act to provide for the payment of bounties for the killing of certain stock destroying animals, approved Feb. 28th, 1889, and all Acts and part of Acts in conflict herewith are hereby repealed.

APPROVED March 7th, 1891.

CODE COMMISSION.

An Act to Amend An Act of the Legislative Assembly of the State of Montana, entitled: "An Act to Provide for the Appointment of a Commission to Codify the Criminal and Civil Law and Precedure, and to Revise, Complete and Arrange the Statute Laws of Montana, Approved March 14, 1889.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment to Code Commission Law of 1889.

SECTION 1. Section 3 of an act of the Legislative Assembly of the Territory of Montana, entitled:

HeinOnline -- 1891 278 1891

"An act to provide for the appointment of a Commission to codify the criminal and civil law and precedure, and to revise, complete and arrange the statute laws of Montana," approved March 14, 1889, is hereby amended so as to read as follows:

SEC. 3. When the Commission shall have prepared and completed any one of the above mentioned codes, a copy of the same shall be filed in the office of the Secretary of State and the same shall be submitted for action thereon to the Legislative Assembly of the State.

Commission to File copy of each Code.

SEC. 2. Section 5 of this act is hereby amended so as to read as follows:

SEC. 5. Upon the completion and filing of any one of said codes as hereinbefore provided, in the office of the Secretary of State, it shall be lawful for and it is the duty of the State Auditor to draw his warrant for the pro rata salaries of the Commission under the provisions of this act, to be paid by the State Treasurer out of any funds not otherwise appropriated. At any time after the filing of said codes in the office of the Secretary of State, the Code Commissioners may at any time withdraw them from said office for the purpose of alteration or revision.

Pro rata Salary

SEC. 3. Section 6 of said act is hereby repealed.

SEC. 4. There are hereby added to said act as a part thereof, immediately after Section 5 thereof, six sections, numbered respectively 6, 7, 8, 9, 10 and 11, which last mentioned sections shall read as follows:

SEC. 5. The Code Commission must codify and include in their codification of the laws, in the proper volumes and under appropriate titles, chapters or articles, all of the laws of a general nature that may be enacted by the Second Legislative Assembly at its first regular session.

To include in Codes Acts of 2d Legislative Assembly,

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To index Codes

SEC. 6. The Code Commissioners must make for each of the four codes a complete working index to the contents thereof, alphabetically arranged and of sufficient particularity to refer to each section contained in said volumes and to the subject thereof, which index must be printed and bound in its appropriate volume, and must make a general index of like completeness and particularity, which must be printed and bound in one of said volumes.

Political Code.

SEC. 7. The political code must contain, in addition to the other matter required, the Declaration of Independence, the act for the admission of Montana as a State, the Constitution of the United States and the Constitution of the State of Montana; and the index to said code must contain a reference to each of the sections, subjects and articles of each of said instruments.

All Codes to be completed by July 1st, 1891.

SEC. 8. Each of said codes and indices must be so far completed as to be in a condition to print by the first day of July, 1891, and as soon thereafter as possible the State Auditor must have five hundred copies of each of said codes printed in the same sized type and size of body type page as may be adopted by the Commissioners of Printing for the Revised Statutes, and bound with paper covers, the Code Commissioners being required to read and correct the proof sheets of said volumes, the said volumes must be delivered to the State Auditor, corrected, printed and bound, on or before the fifteenth day of September, 1891.

Auditor to print 500 copies before September 15th, 1891.

To distribute.

SEC. 9. Upon receipt of the printed codes, the Auditor must deliver one printed copy of each volume of said codes to each member of the Legislative Assembly, which printed volumes when so delivered, must have the effect of bills printed for the use of members of the Legislative Assembly, he shall also deliver one copy of each volume to each

HeinOnline -- 1891 280 1891

Judge, or Magistrate, each State officer, each County Attorney. each Board of County Commissioners, and five copies of each volume to the Clerks of the District Courts of Montana, for examination by members of the bar, and to each member of the Code Commission, four copies of each volume, and fifty copies to the State Library for distribution by State Librarian.

Report of Code Commission.

SEC. 10. On or before the fist Monday in January, 1892, the Code Commissioners shall file four copies of their final report with the Secretary of State, which said report shall contain at length, all amendments that in their opinion may be necessary to harmonize and complete the Codes as printed, and each amendment so suggested must refer specifically to the section, title, chapter or article of the printed Code changed thereby. The Auditor must cause such final report to be printed for the use of the members of the Legislative Assembly.

Compensation of Commissioners.

SEC. 11. The Code Commissioners are entitled to receive for their services under this act, in addition to the compensation provided for in the act of March 14th, 1889, a salary each of $1,500, payable out of any funds in the State Treasury not otherwise appropriated, for which said salaries the Auditor must draw his warrant upon the filing by the Commissioners of their final report.

APPROVED March 6th, 1891.

JEFFERSON RIVER DAM.

An Act entitled, "An Act to allow the raising of the waters of the Jefferson River for irigating and other purposes."

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Be it enacted by the Legislative Assembly of the State of Montana:

Dams in Jefferson River.

SEC. 1. That any person or persons, company or corporation, residents of this State may construct and maintain a dam across Jefferson River for the purpose of raising waters thereof for irrigating and mechanical purposes.

Damages.

SEC. 2. Should any person sustain damage by reason of such dam, the party or parties causing the damages shall be liable therefor to the party or parties damaged.

When Act takes Effect.

SEC. 3. This act to be in force from and after passage.

APPROVED March 6, 1891.

COAL MINING.—REGULATION OF.

An Act entitled, "An Act regulating the mining of coal in the State of Montana and for the protection of employes in coal mines."

Be it enacted by the Legislative Assembly of the State of Montana:

Owners of Coal mines to fully report condition of mines worked.

SECTION 1. That the owner, operator, lessee or superintendent of any coal mine in the State shall make or cause to be made an accurate map or plan of such mine, which shall exhibit all the openings or excavations, the shafts, slopes or tunnels, the entries, rooms and break-throughs, and shall show the direction of the air currents therein, accurately delineate the surface section lines of the coal lands controlled by the owner of the said mines, and show the exact relation to and proximity of the workings of said mine to said surface lines ; said map or plan

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shall also show the exact date of each survey made and indicate the boundary line of the most advanced face of the workings at such date ; and in case more than one seam of coal is opened or worked, a separate map or plan, as aforesaid, shall, if desired by the inspector, be made of the workings in each seam. The said map or plan, or a true copy, thereof, with the record of all surveys of said boundary lines and underground workings, shall be delivered by said owner, operator, lessee or superintendent, to the state inspector of mines, and the original or a true copy of the same shall be retained for reference and inspection at the office of said coal mine. The maps and plans so delivered to the inspector of mines as aforesaid, shall be the property of the State, and shall remain in the care and custody of said inspector during his term of office, and be transferred by him to his successor in office. Maps of mines filed with the inspector shall be open to the examination of the public in the presence of the inspector, but in no case shall any copy of the same be made without the consent of the owner, operator or his agent. The maps or plans herein provided for shall be made during the month of July next succeeding the passage of this act, and thereafter in July of each and every year, the owner, agent, or operator of every coal mine shall cause surveys to be made of all alterations and extensions of the workings made during the year preceding, and shall have the records and results of said survey duly entered upon the maps of the inspector and upon that kept at the mine. The said extensions shall be placed upon the inspector's map and the map shall be returned to the inspector within thirty days from the completion of the survey. When any coal mine is worked out, and is about to be abandoned, the owner, operator or superintendent, shall have the maps or plans thereof extended to include all

Map of to be delivered to State Inspector of Mines.

HeinOnline -- 1891 283 1891

the excavations made, showing the most advanced workings of every part of the mine and the relation of such boundaries to given boundaries on the surface.

Penalty for Neglect or Refusal.

SEC. 2. Whenever the owner, operator, lessee or superintendent of any coal mine shall neglect or refuse, or for any cause not satisfactory to the mine inspector, fail for the period of three months after July 1, 1891, to furnish to the inspector the map or plan of such coal mine or the extension thereto as provided for in this act, the inspector is hereby authorized to make or cause to be made an accurate map or plan of such coal mine at the expense of the owner thereof, and the cost thereof may be recovered by law from said owner, operator or agent in the same manner as other debts by suit in the name of the State of Montana.

Manner of Working Coal Mines and Supervision of Inspector.

SEC. 3. For all coal mines in this State when more than six men are employed other than the owners or lessees of such mine, whether worked by shaft, slope or drift, there shall be provided and maintained in addition to the hoisting shaft or opening, a separate escapement shaft or opening to the surface, or an underground opening or communication between every such mine and some other contiguous mine, such as shall be approved by the mine inspector as coming within the requirements of this act. And such as shall constitute two distinct and available means of ingress and egress to all persons employed in such mine, and all passage-ways communicating with the escapement shaft or places of exit from main hauling ways to escapement shafts shall be at least five feet wide and five feet high.

Same.

SEC. 4. Every escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such

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mines, and provided with either stairways or cages and hoisting apparatus, as in the judgment of the Inspector of Mines may be sufficient to insure the safe and speedy removal of all persons within the mine in case of danger. No obstructions of any kind shall be permitted in any escapement shaft that would in any way impede travel through the same. The time which shall be allowed for completing such escapement shaft or making such communication with an adjacent mine, as is required by the terms of this act, shall be for all mines already opened or in process of development when this act shall become a law, one year for sinking any shaft two hundred feet or less in depth, and one additional year or pro rata portion thereof for every additional two hundred feet, or fraction thereof, but for mines which shall be opened after the passage of this act, the time allowed shall be two years for all shafts more than two hundred feet in depth and one year for all shafts two hundred feet or less in depth and the time shall be reckoned in all cases from the date on which coal is first hoisted from the original shaft for sale or use, and it shall be the duty of the Inspector of Mines to see that all escapement shafts are begun in time to secure the completion within the time herein specified.

Same.

SEE. 5. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drift, shall provide and maintain for every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein; the amount of air in circulation to be in no case less than one hundred cubic feet for each man and six hundred cubic feet for each animal per minute, measured at the foot of the down cast, and the same to be increased at the discretion of the Inspector according to the character and extent of the workings, or to the amount of powder used in blasting, and said volume of air shall be forced and circulated to the face of every working place throughout the

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mine, so that such mine shall be free from standing powder, smoke and gases of every kind. All doors set on main entries for the purpose of conducting ventilations shall be so constructed and hung as to close of themselves when opened and shall be made sufficiently tight to effectually obstruct the air currents. In all the larger mines, a suitable person as doorkeeper shall be kept in attendance upon such doors to see that they are kept securely closed and the air currents properly controlled. Whenever the Inspector shall find men working without sufficient air or under any unsafe conditions, he shall first give the operator a reasonable notice to rectify the same; upon the neglect or refusal of the owner or operator of such mine to put such mine in a safe condition as required by the Inspector, the Inspector shall proceed by suit of injunction to suspend the further workings of said mine until the law is complied with. All suits of injunction against mines by the Inspector shall be through the County Attorney of the county wherein the mine is situated, or, in case of his refusal or inability to act, by any other attorney in the name and on the behalf of the State; and in no instance shall bonds be required of the Inspector in entering or prosecuting any suit of injunction.

SEC. 6. All mines in which explosive gases are known to exist shall be examined every morning by a duly authorized agent of the proprietor to determine whether there are any dangerous accumulations of gases or lack of ventilation or obstructions to roadways or any other dangerous conditions, and no person shall be allowed to enter the mine until such examiner shall have reported all the conditions safe for beginning work, such examiner shall make a daily record of the condition of the mine in a book kept for that purpose which shall be open at all times to the examination of the Inspector. The current of air in mines shall be so split as

Same.

HeinOnline -- 1891 286 1891

to give a separate current to at least every one hundred men at work, and the inspector shall have discretion to order a separate current for a smaller number of men if special conditions render it necessary. In case the entries or roadways of any mine are so dry as to become filled with dust, the operator of such mine shall be required to have such roadways regularly and thoroughly sprinkled and it shall be the duty of the Inspector to see that in all mines every practicable precaution shall be taken against accidents from the careless handling of powder within the mine. And in no case shall more powder be stored in the mine at any one time than in the discretion of the Inspector is necessary for each day's use. It shall be unlawful for coal miners in any mine to charge a blasting hole with the loose powder or otherwise than with the properly constructed cartridge; and in dry and dusty mines it shall be unlawful to load cartridges in the mines except with powder cans constructed for the purpose. It shall be unlawful for the owner, agent or operator of any mine to permit miners to work in said mines with tools prohibited by law. It shall be unlawful for any owner, agent or operator in any mine where dangerous or explosive gases are known to exist to employ any person as foreman or boss of said mine, who shall not have a thorough, practical knowledge of the nature and danger of inflammable or explosive gases and understand the means and appliances for controlling them. And it shall be unlawful for any person to act as foreman or mine boss of any mine in which inflammable gases are known to exist who shall not have a thorough practical knowledge of the nature and danger of inflammable or explosive gases and understand the means and appliances for controlling them and it shall be unlawful for any person to act as foreman or mine boss of any mine in which inflammable gases are known to exist who shall not have a

HeinOnline -- 1891 287 1891

certificate from the State Mine Inspector certifying to his competency for managing the under ground workings of mines, together with a thorough knowledge of all gases met with in coal mines and of the most approved means and appliances of controling them, and the Inspector of Mines is hereby authorized to examine all foremen or mine bosses upon this competency under the provisions of this act and issue his certificate to those whom he considers qualified (after thorough examination) to act as such foreman or boss within the meaning of this law. It shall be unlawful for any operator or agent of a coal mine to employ persons underground whose duties may involve contact with inflammable gases or the handling of explosives, who have not had experience in such duties, unless all such employees are placed under the immediate charge and instruction of such number of competent men as to secure the safety of other persons employed in the same mine. The ventilation required by this act may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes it shall be built in such a manner as to prevent the communication of fire to any part of the works by lining the upcast with incombustible material for sufficient distance up from said furnace. *Provided*, It shall not be lawful to use a furnace for ventilating purposes or for any other purpose that shall emit smoke into any compartment constructed in or adjoining any hoisting shaft or slope where the hoisting shaft or slope is the only means provided for the ingress and egress of persons employed in said coal mines. It shall be unlawful where there is but one means of ingress and egress provided at a coal shaft or slope to construct and use a ventilating furnace that shall emit smoke into a shaft as an upcast where the shaft or slope used as a means of ingress and egress by persons employed in said coal mines is the only means provided for furnishing air for persons employed therein.

HeinOnline -- 1891 288 1891

SEC. 7. The owner, agent or operator of any coal mine, operated by shaft, shall provide safe means of hoisting and lowering persons in a cage, covered with boiler iron, so as to keep safe as far as possible persons descending into and ascending out of said shaft, and said cage shall be furnished with guides to conduct iron slides through such shaft with a sufficient break on every drum to prevent accident in case of the giving out or breaking of the machinery; and such cages shall be furnished with safety catches intended and provided as far as possible to prevent accident in case of cable breaking or the loosening or disconnecting of machinery. The owner, agent or operator of every coal mine operated by shaft and steam power shall place competent persons at the top and bottom of such shaft for the purpose of attending to signals while the men are being lowered or hoisted out of the mines; they shall be at their post of duty at least thirty minutes before the hoisting of coal is commenced in the morning, and remain at least thirty minutes after the hoisting of coal has ceased at night. It shall also be their duty, to see that the men do not carry any tools, timber or material with them on the cage, and that only the proper number of men are allowed upon the cage at one time. A sufficient light shall be furnished at the top and bottom of the shaft to insure as far as possible the safety of persons getting on or off the cage. Same.

SEC. 8. A suitable code of signals between the bottom man and top man and engineer shall be established to provide and insure the safety of persons being lowered into and hoisted out of any shaft; said code of signals so established shall be conspicuously posted at the top and bottom of the shaft and in the engine room. No person shall ride upon a loaded cage or car used for hoisting purposes in any shaft or slope, and in no case shall more than twelve Same.

HeinOnline -- 1891 289 1891

persons ride in any cage or car at any one time, nor shall any coal be hoisted out of any coal mine, excepting in case where coal is being hoisted out of a slope which is not less than ten feet wide and only one track operate therein, while persons are descending into such mine. The number of persons permitted to ascend out of or descend into any coal mine at one time shall be determined by the Inspector, and they shall not be lowered or hoisted more rapidly than five hundred feet per minute. The top of each and every shaft, and the entrance to each and every intermediate working vein shall be securely fenced by gates, properly protecting such shaft and the entrance thereto, and the entrance to every abandoned slope, air or other shaft shall be securely fenced off. All underground, self-acting or engine planes, with single track, on which coal cars are drawn and persons travel, shall be provided with proper means of signaling between the stopping places and ends of said planes, and sufficient places of refuge at the sides of such planes shall be provided at intervals of not more than ten yards and all their other single planes or gangways, twenty yards, and they shall not be less than six feet wide, and whitewashed or otherwise distin quished from the surrounding walk. The bottom of every shaft shall be supplied with a traveling way to enable men to pass from one side of the shaft to the other without passing under or over the cage. All sumps shall be securely planked over so as to prevent accident.

Violation of any Requirement of Act a Misdemeanor.

SEC. 9. Any person neglecting or refusing to perform the duties required by any of the foregoing sections of this act, shall be deemed guilty of a misdemeanor and when the penalty is not otherwise provided the fine for a first offense shall not be less than fifty dollars nor more than two hundred dollars, and for the second offense not less than one

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hundred dollars nor more than five hundred dollars in the discretion of the court.

SEC. 10. The Inspector of Mines of Montana is hereby authorized to provide, at the expense of the state, all necessary air meters, barometers or other instruments for the use of himself and deputy in making all investigations or inspections as required by this act, and shall at the expiration of his time of service, turn them over to his successor together with the property of the state in his possession and pertaining to his office as Inspector.

Inspector of Mines to purchase all necessary instruments.

APPROVED March 6, 1891.

STATE CAPITAL.

An Act entitled An Act Providing for the Submission of the Question of the Permanent Location of the Seat of Government.

Be it enacted by the Legislative Assembly of the State of Montana.

SECTION 1. At the general election in the year 1892, the question of the permanent location of the seat of government shall be submitted to the qualified electors of the State, in the manner hereinafter provided.

Submission of Question of Location.

SEC. 2. Nominations of towns or cities in candidacy for the place of location of the seat of government shall be made in the following manner: There shall be presented to and filed with the Secretary of the State a certificate of nomination containing the name of the town nominated for the place of location of the seat of government, the name of the county wherein the same is situated, and signed by

Nominations of Towns or Cities in Candidacy.

HeinOnline -- 1891 291 1891

twenty-five electors residing within the county wherein the town named shall be situated, and containing with each signature the place of residence, business and business address of each elector respectively, and from and after the day of filing of the said certificate the town or city named therein shall be deemed to have been regularly nominated, and shall be listed on ballots as hereinafter provided that all nominations must be made not less than sixty days preceding the general election in the year 1892.

Notice of Election and List of Nominations.

Ballots.

SEC. 3. Immediately after the closing of nominations as provided in the last preceding section, the Secretary of State shall prepare a list of all towns or cities so placed in nomination, with a statement of the facts that they are the towns and cities nominated for the place of location of the permanent seat of government in Montana, together with an announcement of the day and date of which the election shall be held, and he shall cause the same to be published in each respective county, in at least one newspaper of general circulation published therein; and the said Secretary shall also prepare and have printed ballots which shall be in form as follows, to-wit:

For place of location of the permanent capitol of the State of Montana, and immediately thereunder shall follow in consecutive alphabetical order, a list of the towns nominated therefor, the name of each town being given a separate line, which said ballots shall be distributed as official ballots, in sufficient quantities to the County Clerks of the respective counties of the State to be by them distributed to the various election precincts in like quantity as they shall distribute the official election ballots for state and county officers, and which shall be stamped with the same stamp, and delivered to the electors, voted, returned and counted in the same

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manner and at the same time as the said general official ballots.

SEC. 4. Each elector shall be entitled to vote for but one town upon the said list, and he shall indicate his preference by placing in a space opposite and to the right of the name of the town for which he intends to vote, a cross thus : X, in the same manner as upon the official ballot, and he shall prepare his ballot for the place of location of the permanent seat of government, return it and vote it in the same manner, and at the same time as the general election ballot, and the said ballots shall be counted, returned, reported and canvassed in the same manner as the ballots and votes for State officers at the said general election, and every act or acts now by law made punishable as a crime when committed at the general election with reference to the general election ballots or the general election itself, or any of the details connected therewith, shall equally be deemed a crime, and punished in the manner when committed with reference to the ballots or voting or returns of election herein provided for as to the location of the permanent seat of government, and all provisions of the general election law not inconsistent with the purposes of this act shall be deemed applicable hereto.

Manner of Voting.

Canvass of Votes

Penalty for illegal Voting.

SEC. 5. A majority of all the votes cast upon the question of the permanent location of the seat of government in favor of some single town shall be necessary to determine a choice of such location, and in the event any single town or city shall receive such a majority of all the votes cast, it shall thereafter be the place of permanent location of the seat of government; but in case there shall be no choice of location as hereinbefore provided at the said election in the year 1892, then the question of choice shall be again and in like manner submitted to the qualified electors at the

Majority of Votes cast necessary to Choice

HeinOnline -- 1891 293 1891

next general election thereafter, provided that the only towns or cities to be balloted for at said second election shall be the two receiving the highest number of votes at the first general election.

APPROVED March 6, 1891.

PROPOSED AMENDMENT TO STATE CONSTITUTION.

An Act Providing for the Submission to the Qualified Electors of the State of an Amendment to Section 4, Article 16, of the Constitution, relating to County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Submission of Amendment to State Constitution.

SECTION 1. There shall be submitted to the qualified electors of the State at the next general election, the following amendment to the State Constitution.

Section 4, article 16, shall be amended so as to read as follows:

Terms of Office of County Commissioners.

SEC. 4. In each county there shall be elected three County Commissioners, whose term of office shall be four years; *Provided*, that the term of office of those elected to succeed those elected October 1, 1889, shall expire upon the first Monday in January, 1895; and, *Provided further*, that at the general election to be held in November, 1894, one Commissioner shall be elected for a term of two years, and two Commissioners for a term of four years. A vacancy in the Board of County Commissioners shall be filled by appointment by the District Judge of the district in which the vacancy occurs.

Vacancy in office.

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SEC. 2. The vote upon this amendment shall be counted and canvassed by such persons and in such manner as is provided by law for the counting and canvassing of the votes for member of Congress, and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of said proclamation.

Canvass of vote upon Amendment.

SEC. 3. The official ballots to be used at the general election to be held in November, 1892, shall have printed thereon the following words: "For the amendment to the Constitution" and the words "Against the amendment to the Constitution."

Ballots.

APPROVED February 23, 1891.

RIGHT OF WAY FOR IRRIGATING DITCHES, ETC.

An Act entitled "An Act to define the mode of procedure in relation to right of way for ditches, flumes or canals for irrigating and other purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Whenever the owner, owners or claimants of any agricultural lands of this State shall desire to use the waters of any stream for irrigating or other purposes, and cannot convey the water on to their lands or claims successfully or conveniently without constructing, digging or ex-

Mode of obtaining Right of Way

HeinOnline -- 1891 295 1891

cavating a ditch, flume or canal across, through' over or under the claims or lands of others, and if the right to construct, dig or excavate such ditch, flume or canal has not been acquired by agreement between him or them and the claimants or owners of the lands or claims over, under, across or upon which he or they seek to establish such right of way, it shall be lawful for him or them to present to the Judge of the District Court of the State of Montana within and for the county in which such right of way, or some part thereof, sought to be enforced is situated, or to which said county is attached for judicial purposes, a petition praying that such right of way be awarded to him or them, such petition shall be verified and contain a particular description of the character and extent of the right sought, a description of the lands or claims of the petitioner, and the lands or claims to be affected by such right or privilege, with names of the occupants or owners thereof. It may also set forth any tender or offer hereinafter mentioned, and shall demand the relief sought.

Petition to District Judge.

SEC. 2. Upon the receipt of such petition and filing thereof with the clerks of such court, the judge shall direct a citation to issue under the seal of such court, to the owners named in the petition, of claims and lands to be affected by the proceedings, requiring them and each of them to appear before the judge on a day therein named, which shall not be less than ten days from the service thereof, and show cause why such right of way should not be allowed as prayed for; such citation shall be served on each of the parties in the manner prescribed by law for serving summons in ordinary proceedings of law.

Citation upon filing petition.

SEC. 3. Upon the return of the citation, or upon any day to which the hearing shall be adjourned, the judge shall proceed to hear the allegations and

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proofs of the respective parties and, if upon such hearing he is satisfied that the claims or lands of the petitioner can only be conveniently supplied with water by means of the privilege prayed for, he shall make an order, adjudging and awarding to the petitioner such right of way, and shall appoint three commissioners who shall be disinterested parties and residents of the county, to assess the damages resulting to the lands or claims affected by such an order.

Hearing of Petition.

Appointment of Commissioners.

SEC. 4. The commissioners so appointed shall be sworn or affirmed to faithfully and impartially discharge their duties and shall proceed without unreasonable delay to examine the premises and shall assess the damages resulting from such right or privilege prayed for, and report the amount of the same to the judge appointing them, and if such right of way shall affect the property of more than one person or company such report shall contain an assessment of damages to each person or company.

Commissioners to assess and report Damages.

SEC. 5. For good cause shown the judge may set aside the report of such commissioners and appoint three other commissioners, whose duty shall be the same as above mentioned.

Judge may set aside Report.

SEC. 6. Upon payment of the sum assessed as damages, as aforesaid, to the persons to whom it shall be awarded, or a tender thereof to them, then the person or persons petitioning as aforesaid shall be entitled to the right of way as prayed for in their or his petition, and may immediately proceed to occupy the same and to erect thereon such works and structures and make therein such excavations as may be necessary to the use and enjoyment of the right of way so awarded.

Payment or Tender secures Right of Way.

SEC. 7. Appeals from the assessment of damages made by the Commissioners may be made and

HeinOnline -- 1891 297 1891

prosecuted in the proper District Court by any party interested at any time within ten days after the filing of the report of the Commissioners and a written notice of such appeal shall be served on the appellee in the same manner as summonses are served in civil actions. The appellant shall file with the Clerks of the Court to which the appeal is made, a bond with sureties, to be approved by the Clerks in the amount of the assessment appealed from in favor of the appellee conditioned that the appellant shall pay any costs that may be awarded to the appellee and abide by any judgement that may be rendered in the cause.

Appeals to District Court from Assessment of Commissioners.

SEC. 8. Appeals shall bring before the Appellate Court only the propriety of the amount of damages and may be tried by the Court or before a jury as other cases in Court.

How tried.

SEC. 9. The prosecution of any appeal shall not hinder, delay or prevent the appellee from exercising all the rights and privileges mentioned in section 6 of this bill, *Provided*, that the appellee shall file with the Clerk of the Court in which the appeal is pending, a bond with sufficient sureties, to be approved by the Clerk, in double the amount of the assessment appealed from; conditioned that appellee shall pay the appellant whatever amount he may recover in the action.

When Appeal does not stay right.

SEC. 10. If the appellant recover $50 more damages than the Commissioners shall have awarded or the appellee shall offer to allow judgement against him to be taken, the appellee shall pay the costs of the appeal, otherwise the appellant shall pay such costs.

Costs of Appeal.

SEC. 11. The costs and the expenses of proceedings under the provisions of this chapter, except as herein otherwise provided, shall be paid by the party making the application; *Provided, however*,

HeinOnline -- 1891 298 1891

that if the applicant shall, before the commencement of such proceedings, have tendered to the parties owning or occupying the land or mining claim a sum equal to or more than the amount of damages recovered by the defendant or defendants, then all of the costs and expenses shall be paid by the party or parties owning the lands or claims affected by such right of way, and who appealed and resisted the claims of the applicants thereto.

Costs of Proceedings.

APPROVED March 6, 1891.

GENERAL ELECTIONS.

An Act Providing for the election of State and County Officers and the Canvassing of the Returns of said Election.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There must be held, throughout the State, on the first Tuesday after the first Monday in November, in the year 1892, and in every second year thereafter, an election, to be known as the general election.

When general Election held.

At the general election of 1892 all State, District and County officers, whose terms expire under the constitution in the year 1893, shall be elected.

Election in 1892 of officers whose terms expire in 1893.

SEC. 2. The Board of County Commissioners of each county is ex-officio a Board of County Canvassers for the county, and must meet as a Board of County Canvassers at the usual place of meeting of the Board of County Commissioners.

Board of County Canvassers.

And if at the time and place appointed for such meetings, one or more of the county commissioners

HeinOnline -- 1891 299 1891

should not attend, the place of absentees must be supplied by one or more of the county officers, whose duty it is to act in the order named, to-wit: the Treasurer, the Assessor, the Sheriff, so that the Board of County Canvassers shall always consist of three acting members. The County Canvassing Board so constituted shall meet at the office of the County Clerk of such county within ten days (Sundays excepted) after each election held under the laws governing general and special elections in this State, to canvass the returns. And the Clerk of the Board of County Commissioners is the clerk of the Board of County Canvassers.

Absence of Member.

When Board to meet.

Clerk of Board.

SEC. 3. If, at the time of meeting, the returns from each precinct in the county in which polls were opened have been received the Board of County Canvassers must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns are received.

Canvass of Returns.

Provided, that if the returns from any of the election precincts have not been received by the County Clerk fifteen days after such general or special election, it shall be the duty of said Board of Canvassers to forthwith send a messenger to the judges of such election precincts whose duty it shall be to open the ballot box and from the returns therein enclosed make a copy of the same and furnish the messenger with such copy, and the messenger shall be paid out of the county treasury of such county the sum of fifteen cents per mile for each mile necessarily and actually traveled in going to and returning from said precinct. And whenever it shall appear to the County Canvassing Board of any county by satisfactory evidence that the polls were not opened in any precinct therein, and no return shall have been received therefrom, they shall certify to this fact and file the same together with all

Board to send Messenger for delayed Returns.

When Polls have not been opened in Precinct.

HeinOnline -- 1891 300 1891

the evidence in the case, with the County Clerk, and make a note of the same upon their report.

Canvass must be public.

SEC. 4. The canvass must be public by opening the returns and determining therefrom the vote of such county or precinct for each person voted for, and for and against each proposition voted upon at such election, and declaring the result thereof,

Rejection of Returns.

SEC. 5. In canvassing the returns of the several precincts in the county by the County Canvassing Board, no return shall be rejected if it can be readily ascertained therefrom the number of legal votes cast for each person named therein.

Immaterial Irregularities.

The fact that the returns do not show who administered the oath to the judges of election, or a failure to fill out all the certificates in the poll book, or a failure to do or perform any other act in or about the making up of the returns that it is not essential to determine for whom the votes were cast, shall not be such an irregularity as to entitle the said Board to reject the same, but the same must be canvassed as other returns are canvassed.

Statement of Result by Clerk.

SEC. 6. The Clerk of the Board must, as soon as the result is declared, enter on the records of such board a statement of such result, which statement must show:

What to show.

First—The whole number of votes cast in the county.

Second—The names of the persons voted for and the propositions voted upon.

Third—The office, to fill which each person was voted for.

Fourth—The number of votes given at each precinct to each of such persons, and for and against each of such propositions.

Fifth—The number of the votes given in the county to each of such persons and for and against each of such propositions.

HeinOnline -- 1891 301 1891

When Abstract of Votes to appear on separate sheets.

Provided, it shall be the duty of the Clerk of said Board to enter the abstract of said votes upon separate sheets of paper for the following named officers:

First—Representatives in Congress.

Second—Members of the Legislative Assembly from districts comprising more than one county.

Third—Presidential Electors.

Fourth—All State officers and Judges of the Supreme and District Courts.

Fifth—Constitutional amendments or other propositions voted upon by the electors of the State at large.

Board to declare Persons elected

SECTION 6. The Board must declare elected the persons having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof.

Certificates of Election.

SEC, 7. The Clerk of the Board of County Commissioners must immediately make out and deliver in person or by mail in registered package to such person (except to the person elected District Judge) a certificate of election, signed by him and a majority of the Board of County Canvassers.

Abstracts of Votes when two or more Counties comprise District

SEC 8. When there are members of the House of Representatives voted for by the electors of a district composed of two or more counties, each of the clerks of the respective counties composing such district, immediately after making out the statement specified in Section 6 of this act, must file in their respective offices a certified abstract of so much thereof as relates to the election of the officers last aforesaid. And all Clerks save the Clerk of the County first in alphabetical order, must seal up a certified copy of such abstract, endorse it "Election Returns," and without delay transmit the same by mail in registered package to the Clerk of the Board of County Commissioners of the county

HeinOnline -- 1891 302 1891

which stands first in the alphabetical order in the list of counties composing such district.

SEC. 9. The Clerk to whom the returns of a district are made must, on the twenty-fifth day after such election, or sooner, if returns from all counties in the district have been received, open in public such returns, and from them and the statement of the vote for such officers in his own county:

Duty of Clerk receiving same.

First—Make a statement of the vote of the district for such officers, and file the same, together with the returns, in his office.

Second—Transmit a certified copy of such statement to the Secretary of State.

Third—Make, put and deliver or transmit by mail in registered package to the persons elected, a certificate of election (unless it is by law otherwise provided) which shall be signed by him and a majority of the Board of County Canvassers of his own county.

Certificate of Election in joint District.

SEC. 10. When there has been a general or special election for officers or upon propositions voted for by the electors of the State at large, or for Judicial officers (except Justice of the Peace), each Clerk of the Board of Canvassers, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of County Commissioners, must make a certified abstract in form as provided in Section 6 of this Act, of so much thereof as relates to the votes given far said propositions or for persons for said offices to be filled at such election.

Certified Abstract of Votes upon general Proposition or for Judicial Officers.

SEC. 11. The Clerk must seal up such abstract, endorse it "Election Returns," and without delay transmit it by mail, in registered package, to the Secretary of State.

Clerk to seal and transmit Abstract to Secretary of State.

SEC. 12. If on the thirtieth day after any election the Secretary of State finds that he has not

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received the election abstracts of all the Counties in the State, he shall forthwith send messengers to the Clerks of the Canvassing Boards of the delinquent Counties, with written demands for such abstracts; whereupon such Clerks must furnish him with certified copies of the statement mentioned in Section 6 of this Act, except, however, the vote for County officers and the vote on County affairs, which statement the messenger shall deliver to the Secretary of State.

Secretary to send Messenger for delayed Abstract.

SEC. 13. For such service the messengers shall receive five dollars per day, each, for the time consumed in the errand, and shall be allowed necessary traveling expenses, which amount, when certified to by the Secretary of State, and acted upon and approved by the State Board of Examiners, must be audited by the auditor and paid out of the general fund of the State Treasury.

Compensation of Messenger.

Payment.

SEC. 14. On the thirty-fifth day (Sundays excepted) after the day of election, at twelve o'clock, noon, the State Auditor, State Treasurer and Attorney General, who shall constitute a Board of State Canvassers, must meet at the office of the Secretary of State and declare the result of and compute and determine from the abstracts transmitted to said Secretary as aforesaid, the vote cast at such election, and the Secretary of State, who is the Secretary of said Board, must make out and file in his office a statement thereof, and transmit a copy of such statement to the Governor.

Meeting and Members of State Board of Canvassers.

Duties of Board

SEC. 15. Upon the receipt of such copy from the Secretary of the State, the Governor must issue commissions signed by himself and countersigned by the Secretary of State, to the persons appearing therefrom to have received the highest number of votes for offices to be filled at such election, and also declare by proclamation the result of the vote

Commissions

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on propositions submitted to the people. *Provided*, that in case the Governor shall have been elected to succeed himself, the Secretary of State must issue the Commission to the Governor.

SEC. 16. In case of a failure, by reason of a tie vote, to elect a Representative in Congress, the Secretary of State must transmit to the Governor a certified statement showing the vote cast for such persons, and in case of a vacancy from any other cause in such office, the Governor must order a special election.

Tie Vote on Election for Congressman.

SEC. 17. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election, if the result can with reasonable certainty be ascertained from such returns.

Defects in Returns when not material.

SEC. 18. It is the duty of the Secretary of State to cause to be published in pamphlet form a sufficient number of copies of this aet, and such other provisions of law as bear upon the subject of elections, and to transmit the same to each County Clerk, whose duty it is to furnish each election officer in his county with one of such copies.

Secretary of State to transmit Election Laws to County Clerks.

SEC. 19. Any member of the County or State Canvassing Board, provided for in this act, or any County Clerk who shall wilfully fail, refuse or neglect to perform the duties herein required and within the time specified in this act when such failure, refusal or neglect shall operate to prevent a canvass of the returns or the issuance of the proper certificate of election, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in the sum of not less than two hundred and fifty dollars nor more than five hundred dollars, or by im-

Violation of Duty by Canvassing Officer a Felony.

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prisonment in the State prison not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the Cout.

Repealing Clause

SEC. 20. All acts and parts of acts in conflict with this act are hereby repealed.

APPROVED March 7, 1891.

REPRESENTATIVE IN CONGRESS.

An Act to Provide for the Election of a Representative in Congress.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. At the general election to be held in the year eighteen hundred and ninety-two, and at the general election every two years thereafter, there must be elected for each Congressionnl District one Representative to the Congress of the United States.

SEC. 2. The vote for Representative in Congress must be canvassed, certified to and transmitted in the same manner as the vote for State officers.

SEC. 3. The Governor must, upon receipt of the certificate, from the State Board of Canvassers, transmit to the person elected a certificate of his election, sealed with the Great Seal of the State and attested by the Secretary of State.

APPROVED March 4, 1891.

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DIVISION SEVEN.

SPECIAL LAWS, MEMORIALS AND RESOLUTIONS.

SALARIES OF MEMBERS AND EMPLOYEES OF HOUSE OF REPRESENTATIVES OF SECOND LEGISLATIVE ASSEMBLY.

An Act Fixing the Per Diem of the Officers and Attaches of the House of Representatives of the Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Speaker of the House of Representatives shall receive ten dollars per day, and this is in lieu of his compensation as a member.

The Chief Clerk of the House of Representatives shall receive ten dollars per day.

The Assistant Chief Clerk of the House of Representatives shall receive eight dollars per day.

The Sergeant-at-Arms of the House of Representatives shall receive eight dollars per day.

The Assistant Sergeant-at-Arms of the House of Representatives shall receive six dollars per day.

The Doorkeeper of the House of Representatives shall receive six dollars per day.

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The Engrossing and Enrolling Clerks of the House of Representatives shall receive each six dollars per day.

The Janitor, Day and Night Watchmen of the House of Representatives shall receive each five dollars per day.

The Chaplain and Pages of the House of Representatives shall receive each four dollars per day.

The Committee Clerks of the House of Representatives shall each be paid five dollars per day.

APPROVED February 24th, 1891.

SALARIES OF MEMBERS AND EMPLOYEES OF SENATE OF SECOND LEGISLATIVE ASSEMBLY.

An Act fixing the per diem of the Officers and Attaches of the Senate of the Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Secretary of the Senate shall receive ten dollars per day.

The Assistant Secretary of the Senate shall receive eight dollars per day.

The Sergeant-at-Arms of the Senate shall receive eight dollars per day.

The Assistant Sergeant-at-Arms of the Senate shall receive six dollars per day.

The Doorkeeper of the Senate shall receive six dollars per day.

The Engrossing and Enrolling Clerks of the Senate shall receive each six dollars per day.

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The Janitor, Day and Night Watchmen of the Senate shall each receive five dollars per day.

The Chaplain and Pages of the Senate shall each receive four dollars per day.

The Committee Clerks of the Senate shall each receive five dollars per day.

APPROVED February 24, 1891.

BONDING INDEBTEDNESS OF CITY OF HELENA.

An Act to Provide for Bonding the Outstanding Indebtedness of the City of Helena.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The City Council of the City of Helena are hereby authorized to issue coupon bonds upon the faith and credit of the City of Helena to the amount of one hundred thousand dollars for the purpose of taking up and redeeming the outstanding warrants and indebtedness of said City.

City of Helena may issue Bonds.

SEC. 2. All bonds issued under and by authority of this act shall be redeemable after ten years at the pleasure of the City of Helena and shall be due and payable twenty years from the date of issuance and shall bear interest at the rate of six per centum per annum from the date of issue until paid.

When redeemable and Rate of Interest.

SEC. 3. All bonds issued under the provisions of this act shall be signed by the Mayor and countersigned by the City Clerk and shall be numbered and registered in a book kept for that purpose by the City Clerk and also by the City Treasurer.

How signed.

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SEC. 4. All bonds issued under the provisions of this act shall be of the denomination of five hundred dollars each and shall have interest coupons attached, and the City Council shall prescribe the form of such bonds and the interest coupons, and provide for the half-yearly interest when the same shall be payable, and for this purpose they shall cause to be levied and collected annually a sufficient tax to fully discharge said interest and the redemption of the principal of said bonds as it shall become due. They are hereby empowered to cause to be annally levied at the end of one year after the date of such bonds a tax upon all taxable property in the City, a fund equal to ten per cent. of the whole amount of such bonds issued and outstanding, which fund shall be a redemption fund and shall be kept and paid out by the City Treasurer in the redemption of any interest remaining due, and on the maturity thereof for the redemption of the principal of said bonds; such taxes to be levied and collected as other taxes.

Denomination and Form of.

Levy of Taxes to meet.

SEC. 5. It shall be the duty of the City Council to give notice of the time and place when said bonds shall be sold; said notice shall be published for thirty days, prior to the date of sale, in one of the daily papers of the City of Helena and in some daily paper in the City of New York, to be selected by the City Council; said bonds shall be sold at the City Hall in the City of Helena by the City Treasurer to the highest and best bidder for cash but shall not be sold below the par value of said bonds.

Notice of Sale.

SEC. 6. All money received from the sale of said bonds shall be covered into the treasury and shall be used by the treasurer in redeeming the outstanding warrants of the City.

Proceeds of Sale.

SEC. 7. This act shall not go into effect until after its approval by the electors of the City of

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Helena in the manner hereinafter provided. The question of the bonding of the city's debt shall be submitted at the general city election, occurring the first Monday in April, 1891, and upon the published official ballot shall be printed in two separate lines, "for the bonded debt" and "against the bonded debt;" and if at the said election a majority of all the votes cast upon this question shall be for the "bonded debt," then, and in this event, this act shall go into instant effect and operation, otherwise it shall never take effect.

Act to be submitted to Voters.

APPROVED March 5, 1891.

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MEMORIALS AND RESOLUTIONS.

SENATE JOINT RESOLUTION, NO. 1.

Joint Resolution Memorializing the Congress of the United States to make a Survey from the St. Mary's River to Milk River in the State of Montana.

WHEREAS, The St. Mary's River is the outlet of St. Mary's Lake, the great natural reservoir of Northern Montana, and drains the same into the Saskatchewan, and as said river in one place approaches within two miles or thereabouts of the valley of the Milk River, and as said Milk River in turn flows for a distance of about three hundred miles through a wide and beautiful valley containing over twelve (12) million acres of public lands of the United States, of very fertile soil which could be greatly benefited by irrigation, and,

WHEREAS, Said Milk River which now often runs dry in seasons when most needed could be made by the diversion of the waters of the St. Mary's River into its channel a perpetual, constant, flowing stream of pure and wholesome water capable of meeting the needs of a large population, and of irrigating many millions of acres of land and of inestimable value otherwise, therefore, be it,

Resolved, By the Senate and House of Representatives of the State of Montana; that we do hereby memorialize and petition the Congress of the United States to cause to be made a survey and an estimate of the cost of diverting the waters of said St. Mary's River, or so much thereof as may be required across the narrow neck of land into the channel of the Milk River.

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That we ask our Senators and Representatives in Congress to have provision for such survey made on the proper appropriation bill for the ensuing fiscal year.

APPROVED February 7th, 1891.

SENATE JOINT RESOLUTION, NO. 2.

To the Governors and Legislatures of the States of Idaho, Washington, California, Nevada, Colorado, Wyoming and Oregon, and the Territories of Utah, Arizona and New Mexico.

WHEREAS: The Pacific Railroads having immense grants of land, are laying claims to large areas of the gold, silver, copper or lead bearing mineral lands on which are thousands of discovered mining properties, and to which they are not entitled under the Acts giving them their grants, and have been permitted to select millions of acres of the selands to which they are now earnestly endeavoring to secure patents, and should such patents issue without further congressional action, it would, under the present decisions of the courts give to these corporations all the undiscovered mines, as well as take from their rightful owners, thousands of mining properties discovered, and believing that Congressional action alone can preserve these mineral lands and mines to the people forever. Now, therefore, be it

Resolved, That the Legislature of Montana, in Senate and House of Reprentatives assembled, do earnestly urge upon you the importance of acting jointly with us in memorializing Congress for such action as will preserve the mines and mineral lands to the people forever.

Also to select someone who shall have authority to act for and represent you in this effort to save to the people this precious heritage whose present and future value cannot be estimated.

APPROVED February 20, 1891.

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SENATE CONCURRENT RESOLUTION, NO. 2.

Senate Concurrent Resolution Asking the Removal of the Mineral Restriction upon School Lands and the Extension of the Term of Leases.

Your Memorialists, the Legislative Assembly of the State of Montana respectively represent that the restriction of the grant of school lands contained in the enabling act of Congress admitting Montana as a State, as contained in the eighteenth section thereof, exempting all mineral lands from the grants, is not in accordance with the unconditional promise contained in section fourteen of the Act of Congress, May 26, 1864, creating Montana a Territory.

Your Memorialists would further represent that said exemption of mineral lands involves in doubt and endless litigation, attended with great expense, a large portion of our school lands in the hands of the State whose prosperity depends upon the development of its mineral lands. No policy will be adopted but the most liberal one, encouraging the development of such mineral lands as may be included within an unrestricted grant of sections sixteen and thirty-six. And your Memorialists would further represent that the restriction contained in section eleven of the Enabling Act aforesaid which prevents the leasing of school lands, and all others included in the grants contained in that Act, "for periods of more than five years." The bulk of these lands cannot be sold for many years under the further provisions of the same section which fixes the minium price at which they may be sold at ten dollars per acre. Longer leases will be more advantageous to the State and the lessees and will encourage permanent settlement and improvements which will not be undertaken under a short term lease.

Your Memorialists therefore pray that such restrictions be removed. Our Senators and Representative in Congress are hereby requested and instructed to use their best endeavors to secure the modification of the Enabling Act in accordance with the views herein contained.

APPROVED March 4, 1891.

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SENATE CONCURRENT RESOLUTION, No. 3.

Legislative Assembly of Montana, Second Session. Resolution of Sorrow and Respect for the Death of Secretary of Treasury Windom, Admiral Porter and General Sherman.

Be it resolved by the Senate, the House concurring, that the Legislative Assembly of Montana desires to record and express its high estimate of the personal character and public services of the late Secretary of the National Treasury, William Windom; of the late Admiral, David D. Porter; and of the late General of our armies, William Tecumseh Sherman, and in common with our older sister States to express our profound sorrow in the three-fold calamity that in such quick succession has followed upon the three principal arms of our public service and power.

APPROVED February 20th, 1891.

SENATE CONCURRENT RESOLUTION, No. 5.

Resolved by the Senate, the House concurring, that the Governor is hereby authorized to employ a custodian to take charge of the buildings and land at Fort Ellis, given to the State by the Act of Congress for the use of the National Guard of Montana, at a salary not to exceed fifty ($50) dollars per month.

APPROVED, March 7, 1891.

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SENATE JOINT MEMORIAL, NO. 3.

To the Congress of the United States of America:

Your Memorialists, the Legislative Assembly of the State of Montana, do most respectfully represent: That Brig. Gen. John Gibbon has served in the United States Army for nearly fifty years; that he was brevetted for gallant and meritorious services in the battles or Antietem, Fredericksburg, Gettysburg, Spottsylvania and Petersburg; that he commanded the second army corps at the battle of Gettysburg, July 2d and 3d; that he has held the brevet rank of Major General since August 13, 1865; that he rendered invaluable services to the State of Montana (then a Territory) while on duty in said State, and notably in the affair with Nez Perce Indians in the battle of the Big Hole, in 1877; that we understand he will soon be retired from active duty.

In view of all these facts and of his faithful, "gallant and meritorious services," and life-long devotion to duty, your memorialists pray that when he be retired it be with the pay and emoluments of a Major General, United States Army, and your memorialists will ever pray.

APPROVED March 4, 1891.

SENATE JOINT MEMORIAL, NO. 4, CONCERNING THE CROW INDIAN TREATY.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled.

Your Memorialists, the Senate and House of Representatives, composing the Second Legislative Assembly of the State of Montana, respecttully represent to your honorable bodies that the treaty lately concluded with the tribe of Crow Indians for the sale of the west end of their reserve, a bill for the ratification of which is now pending in each of your honorable bodies, is a fair and just one for both the Indians and the Government

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of the United States, and which provides for the opening of a large area of lands valuable for agricultural, mining and grazing purposes, and which, if ratified by Congress, will bring to Montana a large immigration of industrious and enterprising persons seeking homes on the public domain. That the early opening of the portion of said reservation embraced in said treaty would be of incalculable value to all the interests of the great and growing new State, and especially to the eastern portion thereof, and that all good citizens of the State are earnestly desirous of the immediate ratification of said treaty by your honorable bodies, and confident that any opposition to such speedy ratification thereof comes only from certain designing persons who are moved by personal considerations only, and not in the interests of the Indians or the State.

WHEREFORE, Your Memorialists urgently and sincerely pray that your honorable bodies will ratify the said treaties before the close of the present session of Congress. And your memorialists, as in duty bound, will ever pray.

APPROVED February 16th, 1891.

SENATE JOINT MEMORIAL, No. 5.

A Joint Memorial to Congress for such Action as will Preserve all the Discovered and Undiscovered Mines and Mineral Lands, Bearing the Precious Metal, to the People Forever:

WHEREAS: The Northern Pacific Railroad, running four hundred miles through the mountainous mineral portions of Montana, claims ownership to over eight million acres of our mountainous mineral lands, none of which are coal or iron lands, and has been permitted lo select already about two million acres of our choicest mineral land, embracing the most productive mining camps of Montana, and on which are more than four thousand mining properties, discovered and recorded, but as yet unpatented, and over one thousand patented mines, bearing gold,

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silver, copper or lead, and none of these lands are agricultural, or such lands as they are entitled to under their grant, and,

WHEREAS: Under the present decisions of the Courts, if the patents to these two million acres of selected lands should be issued to this Railroad Company, it would wrest from their rightful owners, these thousands of mining properties, and all the undiscovered mines in this vast area of mineral lands would become the property of the Northern Pacific Railroad Company, and,

WHEREAS: We believe that Congresssional action can alone save these mines to the people, to whom belong the heritage of untold millions.

NOW, THEREFORE, The Legislative Assembly of Montana, in Senate and House of Representatives assembled, do earnestly request of your honorable bodies in Congress assembled, that you will pass such an act or acts, as will forever preserve to the people, not only the discovered, but all the undiscovered mines of Montana, bearing gold, silver, copper and lead, and all other valuable minerals, except coal and iron.

And your Memorialists will ever pray.

Approved, February 20, 1891.

SENATE JOINT MEMORIAL, No. 6.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

Your Memorialists, the Senate and House of Representatives, composing the Legislative Assembly of the State of Montana, would request Congress to enquire of the Honorable Secretary of the Interior by what authority of law the Commissioner of the General Land Office directs the Registers and Receivers of local land offices to order hearings in all cases to determine as to the mineral or non-mineral character of lands before claimants can file their applications for patent for either placer or

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lode claims in said local offices, a protest or adverse claim not having been filed, should said application be for mineral lands upon an odd section and within the grant to the Northern Pacific Railroad Company. And your Memorialists will ever pray.

APPROVED February 20, 1891.

SENATE JOINT MEMORIAL, No. 7.

WHEREAS, The Conger Lard Bill, so called, now pending in the Senate of the United States, is, should it become a law, an injury to the great and growing cattle industry of the State of Montana and of the whole of the country, and imposes an indirect tax and places under the supervision of the Revenue Department the manufacture and sale of what is known and sold as compound lard, made of Beef fat, cotton seed and hog lard; and

WHEREAS, This bill is in the sole interest and for the exclusive benefit of pork packers and lard trusts, and to foster and build up one industry at the expense of another, and arrays the farmers of the north and northwestern States against the cattle raisers of the west and the cotton planters of the south, and is otherwise vicious and class legislation, therefore

Resolved: That our Senators in Congress, be and they are hereby requested to vote against the passage of said Conger Lard Bill, and to use all honorable means to the end that it may not become a law.

Resolved: That the Secretary of the Senate forward to our Senators in Congress a copy of this resolution.

APPROVED March 3, 1891.

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HOUSE JOINT MEMORIAL, NO. 1.

House Joint Memorial to Congress Praying for the Passage of a Bill Permitting the Construction of a Railroad by the Montana Mineral Railway Company.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialists, the Second Legislative Assembly of the State of Montana, would most respectfully state the following facts:

First—One of the largest and most promising mining districts in the State of Montana lies very near to the northeastern boundary of the Yellowstone National Park (but without the limits of the same.) This district is rich in silver, lead and gold, and is known as the "New World Mining District," and the town which has sprung up at that point is called "Cooke" or "Cooke City."

Second—Because of the large amount of lead in this district railroad transportation is a vital necessity to its practical development and must be had before the large number of property owners of the section can realize on their holdings, or its wealth be added to that of Montana, and the world. More than nine hundred *bona fide* mining claims are opened in this district, and some of them have had many thousands of dollars expended on their development, with the most gratifying results, in so far as the amount of ore thereby exposed is concerned.

Third—In a mountainous country, such as that under consideration, it is obvious that when possible a railroad should follow the depressions of the country made by the water drainage, and that any other location of a railroad will, in comparison, be extremely costly and difficult to construct.

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Fourth—Cooke City is drained by Soda Butte Creek, which empties into the East Fork of the Yellowstone River, and which in turn empties into the Yellowstone River itself, and the only practicable route for a railroad (without the expenditure of enormous amounts of money in its construction) is from Cooke down along the streams mentioned to connect with the National Park branch railroad at Cinnabar on the Yellowstone River, a distance from Cooke to Cinnabar along the route mentioned of about sixty-two miles.

Fifth—Almost the entire length of the proposed railroad route (which is also the route of the present wagon road) outlined above, lies within the geographical limits of the Yellowstone National Park, but it is very near the northern boundary thereof, and is far removed from any object of interest to tourists and consequently never visited by them.

Sixth—There is now pending in the House of Representatives, Senate Bill 491, which Bill has been favorably reported by the House Committee on Public Lands, together with an amendment granting a right of way to the Montana Mineral Railway Company, which right of way is along the route herein specified, viz: From Cinnabar up either bank of the Yellowstone River and its tributaries, directly to the New World (sometimes called Clark's Fork) Mining District.

Therefore, your Memorialists pray that your Honorable Bodies will speedily cause the above referred to amendment to Senate Bill 491, as reported by the House Committee on Public Lands, to be speedily enacted into a law and thereby remove an obstacle which prevents the advancement of an important Section of our State. And your Memoralists will, as in duty bound, ever pray.

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HOUSE JOINT RESOLUTION, NO. 5.

Be it Resolved by the House of Representatives, the Senate Concurring:

That the Secretary of State shall, and he is hereby directed to furnish and deliver to each Senator and Member of the Second Legislative Assembly, one copy each of the Journals of the Senate and of the House of Representatives, and of the laws enacted by the Second Legislative Assembly, as soon as the same shall have been printed.

APPROVED March 7th, 1891.

HOUSE JOINT RESOLUTION, NO. 6.

Be it Resolved by the House of Representatives, the Senate concurring, that the sum of forty-five dollars be appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the following named attaches of the House, to wit:

Miss L. T. Nichols.....Fifteen Dollars
Mrs. Florence Kyes.....Ten Dollars
Miss Minnie Bowers.....Ten Dollars
S. H. West.....Ten Dollars

APPROVED March 7, 1891.

HeinOnline -- 1891 322 1891

HeinOnline -- 1891 323 1891

INDEX.

	Art.	Sec.
Action.		
As to real property commenced in county	VIII	11
Equity and law administered in same	VIII	28
Judge pro tem may try	VIII	36
Limitation not affected by admission of State	XX	3
Laws relating to shall be general and uniform	VIII	26
Not abated by admission of State	XX	15
One form only for civil	VIII	28
Pending when State is admitted	XX	6
Style of process in	VIII	27
Special law shall not regulate practice in	V	27
Change of venue in	V	26
Empaneling of jurors	V	26
Limitation of	V	26
Rules of evidence in	V	26
Summoning jurors	V	26
Act. (See Legislative Assembly.)		
Administration.		
Funds not to be invested in stocks	V	37
Inheritance not changed by special law	V	26
Laws relating to must be general and uniform	VIII	26
Not to be regulated by special law	V	26
Administrator.		
Public, election, term, vacancy in office	XVI	5
Official oath prescribed	XIX	1
Shall keep office at county seat	XIX	6
(See Administration.)		
Adjournment.		
Less than quorum may make	V	10
Not more than three days without consent of	V	14
Not to any other place without consent	V	14
Not subject to approval of Governor	V	40
Of Leg. Assembly by operation of law	V	5
Supreme Court by one Justice, when	VIII	5
Affairs.		
County of township not regulated by special law	V	26
Agriculture.		
Bureau may be provided by Legislative Assembly	XVIII	1
Commisssioner of, appointment, term, pay	XVIII	1
Aliens.		
Courts of justice open to	III	6
May acquire mines and mining property	III	25
Shall not be appointed or elected to office	IX	7, 11

HeinOnline -- 1891 324 1891

	Art.	Sec
Amendment.		
Must not destroy original purpose	V	19
Of law not by reference to title	V	25
Of corporate charter not by special law, except	XV	2
Of corporate charter by Legislature, when	XV	3
To revenue bill may be proposed by Senate	V	32
To constitution, how made	XIX	8, 9
Appeal.		
To Supreme Court	VIII,	2,3,15
To District Court	VIII	11, 23
Appointment.		
Legislative Assembly may provide for in certain cases	XVI	6
Oath of appointee	XIX	1
Of state examiner	VII	8
Power of Governor to make	VII	8
Qualification for in general	IX	7, 11
For County Attorney	VIII	19
Superintendent of Schools	IX	10
Judge of District Court	VIII	16
Justice o Supreme Court	VIII	10
School District Office	IX	10
State Executive Officer	VII	3
Term of appointee in general	VIII	34
To county office	XVI	5
To fill vacancy in State Executive Office	VII	7
Supreme Court	VIII	34
District Court	VIII	34
Justice Court	VIII	34
Clerk Supreme Court		
District Court	VIII	34
County office	XVI	5
Attorney	VIII	34
Commissioners	XVI	4
Precinct office	XVI	5
Township office	XVI	5
Apportionment.		
For Member of Congress	VI	1
State Representative, ratio defined, when	VI	2
District to be designated	VI	6
May be altered	VI	3
State Senator, one for each county	V	4
One for each new county	VI	4
District numbered	VI	5
Appropriation.		
Bill, introduced when, except	V	21
Title must express subject of, except	V	23
What may be embraced in	V	33
Exceeding available funds void	XII	12
Governor may approve or disapprove any item	VII	13
Money paid out of treasury only, on	XII	10
No money paid out before, except interest on	V	34
Not made for extra compensation to any one	V	29
For services rendered without authority	V	29
Claim contracted without authority	V	29
Charitable use except	V	35
Capital buildings until	X	4
Longer period than two years	XII	12
Shall be made for maintenance of militia	XIV	3
To suppress insurrection or defense of	XII	12

HeinOnline -- 1891 325 1891

	Art.	Sec.
Arrest.		
On military reserve under State process	II	1
Of witness for deposition in criminal case	III	17
Member of Legislature in certain cases	V	10
For contempt	V	11
For certain offenses	V	15
Privileged from	V	15
Persons under, bailable except	III	19
Entitled to writ of habeas corpus	III	21
Process for must be in name of	VIII	27
Army.		
(See military war.)		
Arms.		
Right to keep and bear in defense of self and home	III	13
To defend life, liberty and property with	III	3
To bear, will not excuse carrying concealed	III	13
Armed Body.		
Shall not be brought into State except	III	31
Assembly.		
Of the people for common good	III	26
To petition for redress	III	26
Remonstrate	III	26
(See Legislative assembly.)		
Assessment.		
(See taxation.)		
Associate Justice.		
(See court.)		
Association.		
(See corporation.)		
Asylum.		
State shall provide for insane, deaf, blind, etc	X	1
Attorney.		
County to be elected, qualification, term	VIII	19
Official oath	XIX	1
Salary fixed by law, State pays half	VIII	19
Shall reside in county	VIII	33
Keep office at county seat	XIX	6
Vacancy in office how filled	VIII	34
Judges and court clerks shall not practice as	VIII	31
Attorney General.		
Election, term, duties, residence	VII	1
Contest and tie vote as to how determined	VII	2
Qualifications for office	VII	3
Vacancy in office, how filled	VII	7
Member of State Board of Education	XI	11
Equalization	XII	15
Examiners	VII	20
Land Commissioners	XI	4
Prison Commissioners	VII	20
Pardons	VII	9
Shall exercise powers only in executive department	IV	1
Hold no other office during term	VII	4
Keep account of State funds handled	VII	19
Report to Governor when	VII	10, 19
Reside at capital	VII	1
Salary and when payable	VII	4

HeinOnline -- 1891 326 1891

	Art.	Sec.
Auditor, State.		
Election, term, duties, residence	VII	1
Contested, how determined	VII	2
Official oath	XIX	1
Qualifications for office	VII	3
Vacancy in office, how filled	VII	7
Fees of collected in advance and paid to State Treasurer	VII	4
Member of State Board ef Equalization	XII	15
Board of Pardons	VII	9
Shall exercise powers only in executive department	IV	1
Hold no other office during term	VII	4
Keep account of all State funds handled	VII	10, 19
Report to Governor when	VII	19
Salary	VII	4
No fees for use of	VII	4
Ayes.		
(See Legislative assembly.)		
Bail.		
Allowed in all cases except	III	19
Excessive shall not be required	III	20
Not allowed in certain capital cases	III	19
Ballot.		
All elections shall be by	IX	1
(See election.)		
Banks.		
Not to be chartered by special act	V	26
Bigamy.		
Not to be excused by religious belief	III	4
Bill.		
(See Legislative assembly.)		
Board.		
Of education, members of	XI	11
Shall control State institutions for	XI	11
Other duties prescribed by law	XI	11
Of Equalization, State,		
Members of	XII	15
Shall assess railroads	XII	16
Equalize valuation between counties	XII	15
Of Equalization, County,		
County Commissioners constitute	XII	15
Shall equalize county assessment	XII	15
Other duties prescribed by law	XII	15
Of Examiners State, members of	VII	20
May approve suspension of treasurer	VII	20
Shall pass on all claims vs. State except	VII	20
Other duties prescribed by law	VII	20
Of Land Comissioners State,		
Members of	XI	4
Control disposition of school land	XI	4
Of Pardons, members of and duties	VII	9
Of Prison Commissioners, members	VII	20
Has supervision of State Prisons	VII	25
Of County Commissioners	XVI	4
Election, term, vacancy, how filled	XVI	4
(See County.)		
Bonds.		
Are taxable property	XII	17
City, exceeding limit of indebtedness void	XIII	6
County, exceeding limit of indebtedness void	XIII	5

HeinOnline -- 1891 327 1891

	Art.	Sec.
Bonds.—Continued.		
Corporations shall not issue fictitious	XV	10
For appearance of witness in criminal case	III	17
In force when State admitted valid	XX	10
Of State Treasurer liable	XII	13
School funds may be invested in school	XI	3
District beyond limitation, void	XIII	
Town, beyond limit of indebtedness void	XIII	6
Trust funds not to be invested in corporate	V	37
Boundaries.		
Of Montana defined	I	1
Bribe.		
Acceptance of by member	V	11
Conviction in case of, by House or Senate, effect	V	41
Corrupt solicitation of member or officer	V	42, 43
Member swapping votes or influence	V	41
Offering to member	V	11
To Officer or member	V	24
Bridges.		
Not chartered or licensed by special act	V	26
Capital.		
Bureau of Agriculture and Labor located at	XVIII	1
Executive State officers shall reside at	VII	1
Location of, by vote of electors	X	2
Submitted to vote of electors	X	3
Offenses not bailable in certain cases	III	19
Punishment may be inflicted	III	24
Census.		
Of inhabitants of State taken when	VI	2
Charity.		
Perpetuities allowed for purpose of	XIX	5
(See Institutions.)		
Charter.		
(See Corporation.)		
Chief Justice.		
(See Court.)		
Children.		
Adoption not authorized by special law	V	26
Estates not to be affected by special law	V	26
Legitimation of not to be declared by special law	V	26
Not to be declared of age by special law	V	26
State engages to maintain free schools for	Ord. I	1
(See Schools.)		
Church.		
Freedom of conscience guaranteed	III	4
No person required to support or attend	III	4
Neither State nor municipality shall aid	XI	8
Places of actual worship exempt from taxation	XII	2
Shall not control public schools	Ord. I	4
Toleration of religious sentiment secured	Ord. I	1
City.		
Affairs not delegated to special commission	V	36
As to amendment of charter	XV	2
Courts established by Legislative Assembly	VIII	1, 24
Legislative Assembly may create	VIII	24
Laws relating to shall be general and uniform	VIII	26
Jurisdiction in all cases under ordinances	VIII	24

HeinOnline -- 1891 328 1891

	Art.	Sec.
City.—Continued.		
Magistrate may be ex-officio Justice of the Peace	VIII	24
Duties not prescribed by special law	V	26
Jurisdiction not prescribrd by special law	V	26
Shall reside where	VIII	35
Prosecutions in name of	VIII	27
Debts, limitation upon contracting	XIII	6
Con racted beyond void	XIII	6
May be extended for purpose of	XIII	6
Owing to not reduced except by payment	V	39
Not relinquished by special law	V	26
Paid by levy of taxes	XII	8
State shall never assume	XIII	4
Donations shall not be made by	XIII	1
Elections shall be by ballot	IX	1
Not regulated by special law	V	26
Qualifications to vote at	IX	2
For appointment or election	IX	7
To hold office in	IX	11
Money borrowed used only for purpose designated	XIII	3
Muncipal functions not delegated	V	36
Name not changed by special law	V	26
Not released from portion of State taxes	XII	6
Officers, corrupt solicitation of	V	43
Legislative Assembly may provide	XVI	6
Making profit from funds, penalty	XII	14
Powers and duties not fixed by special law	V	26
Plats or grounds not vacated by	V	26
Powers and duties of officers not re-ulated by	V	26
Property exempt from taxation	XII	2
Not to be held by special commission	V	36
Railroad shall not be laid in street without	XV	12
Shall not aid any church	XI	8
Not aid any school controlled by church	XI	8
Streets not vacated by special act	V	26
Taxes may be levied by	XII	4
Not to be levied by special commission	V	36
No corporation shall be exempt from	XII	7
Railroads shall be assessed and apportioned to	XII	16
Valuation for, not higher than State or County	XII	5
Citizen.		
All officers, civil and military must be	IX	7, 11
Aliens may acquire mining property	III	25
Justices of Supreme Court must be	VIII	10
Judges District Court must be	VIII	16
State executive officers must be	VII	3
Status forefeited not restored by special law	V	26
Voter must be	IX	2
Claim.		
Against Territory assumed by State	XX	12
State contracted only by authority of law	V	29
Board of examiners must approve	VII	20
Not affected by admission of State	XX	9
State engages to pay all owing by Territory	Ord. I	3
Valid under Territorial law still valid	XX	2
Clerk of Supreme Court.		
Accounts of examined by State Examiner	VII	8
Compensation to be fixed by law	VIII	9
Duties to be prescribed by law	VIII	9
Elected by voters at large	VIII	9
Official oath	XIX	1

HeinOnline -- 1891 329 1891

	Art.	Sec.
Clerk of Supreme Court.—Continued.		
Shall not practice as attorney during term	VIII	31
Subject to rules of Supreme Court	VIII	9
Shall reside where	VIII	33
Vacancy in office how filled	VIII	34
Clerk of District Court.		
Accounts to be examined by State Examiner	VII	8
Compensation fixed by law	VIII	18
Duties of	XX	5
To be prescribed by law	VIII	18
Election, term	VIII	18
Oath of office	XIX	1
Shall be jury commissioner, etc	XX	1
Keep office at county seat	XIX	6
Not practice as an attorney	VIII	31
Perform all duties of Probate Clerk	XX	5
Reside in County	VIII	33
Vacancy in office, how filled	VIII	34
Clerk County.		
Election, term, vacancy in office how filled	XVI	5
Is ex-officio Recorder	XVI	5
Official oath	XIX	1
Shall keep office at county seat	XIX	6
(See officer, county.)		
Codification.		
Bill for, or revision	V	23
Collector.		
Of taxes, County Treasurer	XIV	5
Commitment.		
By magistrate	III	8
In name of "The State of Montana"	VIII	27
Prosecution on information after	III	8
Commissioners.		
County appoint to fill certain vacancies	VIII	34
Appoint in case of vacancy	XVI	5
Board of Equalization	XII	15
Clerk of board	XVI	5
Election, term, vacancy in office	XVI	4
Official oath	XIX	1
Land, Board shall be composed of	XI	4
Shall classify public land	XVII	1
Direct disposition of public land	XI	4
Of agriculture and labor may be provided	XVIII	1
Appointment, term, compensation	XVIII	1
Bureau of agriculture and labor under control	XVIII	1
Commissions.		
Shall be issued in name of State	VII	18
Signed by Governor, countersigned by	VII	18
Committee.		
All bills must be referred to and printed	V	22
Governor may appoint to investigate State institutions	VII	10
Municipal functions not to be delegated to	V	36
Legislative supplied under contract	V	30
Companies.		
See Corporation.)		
Compensation.		
(See Salary Fees.)		

HeinOnline -- 1891 330 1891

	Art.	Sec.
Complaint.		
Prosecution on before justice or municipal court	III	8
Congress.		
May exempt Indian land from taxes	Ord. I	2
Member not to hold State office	V	7
Representative in, elected when	VI	1
Conscience.		
Liberty of secured to all	III	4
Perfect toleration of religious sentiment	Ord. I	1
Constable.		
Jurisdiction or duties not prescribed by special law	V	26
Constitution.		
Amended or revised how	XIX	8, 9
Altered or established when	III	2
Construed as mandatory	III	29
Enumeration of rights not restrictive of others	III	30
Of United States adopted by Montana	Ord. I	5
Construction.		
Of constitution as mandatory	III	29
Enumeration of some rights not restrictive of others	III	30
Police power of State	XV	9
Provision not germane to subject of act	V	23
Right of eminent domain	XV	9
Word "Property" as pertains to taxation	XII	17
Word "Corporation" as used in constitution	XV	18
Railroad, no to be aided by State	V	38
Contempt.		
Legislative Assembly may punish for	V	11
Proceedings in District Court reviewed on certiorari	VIII	3
Contracts.		
Convict labor shall not be let by	XVIII	2
Law impairing obligation of, void	III	11
Not affected by admission of State	XX	9
Of Territory assumed by State	XX	12
With State, void, unless authorized by previous law	V	29
Supplies for State must be furnished under	V	30
To exempt from liability for personal injury void	XV	16
Valid in Territory valid in State	XX	2
State engages to assume all Territorial	Ord. I	3
Convict, (See Crime and Criminal Proceedure.)		
Corporation.		
Alteration or revocation of charter by Legislative Assembly	XV	3
As to amendment of charter by special law	XV	2
Banking shall not be chartered by special law	V	26
Business not to infringe equal rights	XV	9
Charter not heretofore used void	XV	1
Definition of as used in constitution	XV	18
Dividends unclaimed escheat to State	XI	2
Donations to, never by State or municipalty	XIII	1
Dues from shall be secured	XV	19
Election of directors and trustees regulated	XV	4
Exclusive privilege not granted to by special law	V	26
Exempt from taxation only as provided in	XII	7
Franchises not heretofore used are void	XV	1
Fictitious obligations and bonds of void	XV	10
Formation of trusts by forbidden, punished	XV	20

HeinOnline -- 1891 331 1891

	Art.	Sec.
Corporation.—Continued.		
Foreign shall not do business in State without	XV	11
Shall have no greater rights than domestic	XV	11
Grants of irrevocable privilege or franchise void	III	11
Insurance not chartered by special law	V	26
Laws as to, subject to repeal	XV	2
Retrospective as to, shall not be passed	XV	13
Liability not escaped by transfer of property or	XV	17
To State or municipality not cancelled by special law	V	26
Annulled only by payment	V	39
To employes for personal injury not avoided by contract	XV	16
License may be imposed on	XII	1
Loan company chartered by special law	V	26
Municipal (See city, county, school district.)		
Private not to exercise municipal powers	V	36
Police power of State applies to	XV	9
Property subject to right of eminent domain	XV	9
To taxation in all cases except	XII	7
Stock increased how	XV	10
Railroad, assessment for taxation	XII	16
As to acceptance of constitution by	XV	8
Common carrier subject to control	XV	5
Consolidation of certain lines forbidden	XV	6
Consolidation does not oust jurisdiction	XV	15
Cons ruction encouraged	XV	5
Discrimination in transportation forbidden	XV	7
Liable to personal injury to employe	XV	16
Must afford equal privilege for transportation	XV	7
May cross, intersect or connect	XV	5
Not to be given public aid.	V	38
Officer of one, not to be, of another	XV	6
Pools and trusts of, forbidden	XV	6, 20
Rates subject to regulation	XV	5
Retrospective law as to forbidden	XV	13
Right of way not granted by special act	V	26
Shall not infringe equal rights of persons	XV	9
Not issue fictitious stock or bonds	XV	10
Street not laid without consent	XV	12
Subject to power of eminent domain	XV	9
To police power of State	XV	9
Telegraph, may construct lines	XV	14, 15
Telephone, may construct lines	XV	14, 15
Corruption.		
(See Bribery, Impeachment Crime).		
County.		
Affairs not to be regulated by special law	V	26
Attorney, election, qualifications, term, salary	VIII	19
Shall reside in county	VIII	33
Keep office at county seat	XIX	6
Vacancy in office how filled	VIII	34
Cases as to real estate must be brought in	VIII	11
Commissioners election, term, vacancy	XVI	4
Appoint to fill vacancy when	VIII	34
Fill vacancy in county office by appointment	XVI	5
Clerk, election, term, vacancy	XVI	5
Criminal offenses tried in	III	16
Debts, limitation upon	XIII	5
Money borrowed used only for purpose	XIII	3
New county shall assume portion of	XVI	3
Not relinquished by special act	V	26
Owing to, cancelled only by payment	V	39
Paid by levy of taxes	XII	8

HeinOnline -- 1891 332 1891

	Art.	Sec.
County.—Continued.		
Entitled to one senator each	V	4
To only one senator each	VI	4
Existing may be remodeled	XVI	1
Lines may be changed	XVI	3
Names not to be changed by special act	V	26
Officers, election, term, vacancy	XVI	5
Liable to removal for malfeasance	V	18
Oath of office	XIX	1
Others may be provided when necessary	XVI	6
Powers and duties not prescribed by special act	V	26
Penalty for making profit from public funds	XII	14
Qualification to hold	IX	7, 11
Poor, infirm inhabitants to be cared for	X	5
Property exempt from taxation	XII	2
Recorder clerk is ex-officio	XVI	5
Seat shall not be changed by special act	V	26
Shall not be removed by Legislative Assembly	XVI	2
Removed only by majority of electors	XVI	2
Shall make no donations to any	XIII	1
Not aid railroad construction	V	38
Not aid any church or school controlled by	XI	8
Sheriff, election, term, vacancy in office	XVI	5
Superintendent of Schools, election, term, vacancy	XVI	5
Woman may hold office of	IX	10
Surveyor, election, term, vacancy in office	XVI	5
Taxes, authority to levy	XII	4
Assessment of railroad in	XII	16
Board of Equalization of	XII	15
Collector of is County Treasurer	XVI	5
Corporation shall not be exempt, except	XII	7
Due State shall not be released	XII	6
Exemption from only as provided in constitution	XII	16
Provided by constitution	XII	2
Levy of shall not be delegated	V	36
Treasurer and collector, election, term, vacancy	XVI	5
Shall not hold no more than two consecutive terms	XVI	5
Accounts examined by State Examiner	VII	8
Courts.		
Administer law and equity in same action	VIII	28
Afford speedy remedy for every injury	III	6
Justice without sale or delay	III	6
Execute Territorial Court judgments	XX	2
Judicial department invested in what courts	VIII	1
Judges and clerks shall not act as attorney	VIII	31
Laws relating to shall be general	VIII	26
Oaths of judges and clerks	XIX	1
Of record	VIII	25
Open to every person	III	6
Officers and judges shall hold office in no other department	IV	1
Practice in not regulated by special law	V	26
Process shall be in name of "The State of Montana"	VIII	27
May be served on military reservation	II	1
Proceed in cases pending when State admitted	XX	5, 15
Venue of action not changed by special law	V	26
Supreme Court composed of three justices, may be five	VIII	5
Appellate jurisdiction of	VIII	2, 3, 15
Clerk, election, term, compensation	VIII	9
Accounts of examined by	VII	8
Subject to rules of court	VIII	9
Justices, election, term	VIII	6, 7, 8
Chief Justice presides at sessions	VIII	8

HeinOnline -- 1891 333 1891

Courts.—Continued.	Art.	Sec.
Presides in impeachment trial when	V	16
Qualifications to hold office of	VIII	10
Salary	VIII	29
Shall receive no other compensation	VIII	30
Shall hold no other office	VIII	35
Not be absent from State more than	VIII	37
Reside in State	VIII	33
Subject to impeachment	V	17
Vacancy in office of, how filled	VIII	34
Jurisdiction defined	VIII	2,3, 15
Of Justice to issue hear and determine certain writs.	VIII	3
One Justice to adjourn when	VIII	5
Majority of Justices pronounce opinion	VIII	5
Opinions to be published	VIII	32
Rules of	VIII	8
Seal of	XX	6
Successor to business pending in Territorial	XX	14
Terms, at least three per annum	VIII	4
District Courts, are courts of record	VIII	25
Appellate jurisdiction over inferior courts	VIII	11
Appeals allowed to, from justice courts	VIII	23
Always open where district is only one county	VIII	17
Clerks, election, term, compensation	VII	18
Accounts to be examined	VII	8
Judicial districts defined	VIII	13
States shall be divided into	VIII	12
Judge, election, term	VIII	12
May hold court for other District Judge	VIII	12
No other office	VIII	35
Official oath	XIX	1
Qualification for office	VIII	16
Salary	VIII	29
Shall be liable to impeachment	V	17
Not be absent from State more than	VIII	37
Reside in district	VIII	33
Vacancy in office of how filled	VIII	34
Jurisdiction defined	VIII	11
Laws relating to Probate Court apply to	XX	4
Legislature may increase number of judges in district	VIII	14
Probate matters transferred to	XX	13
Prosecute by indictment or information	III	8
Terms not less than four in certain districts	VIII	17
Justice of the Peace Courts, always open for business	VIII	22
Appeals allowed to District Courts from	VIII	23
Appellate jurisdiction of Districts Courts over	VIII	11
Justice of the Peace two in each township	VIII	20
Election, term	VIII	20
Official oath	XIX	1
Shall reside in township	VIII	33
Not be absent more than	VIII	37
Removal for malfeasance	V	18
Jury in	III	23
Jurisdiction and powers not fixed by special act	V	26
Limited	VIII	20
Shall not extend to equity or	VIII	21
To be prescribed by law	VIII	20
Practice not regulated by special law	V	26
Prosecute on information	III	8
Under supervisory control of Supreme Court	VIII	2
Municipal Court, may be established	VIII	1, 24
Magistrate may be ex-officio Justice Peace	VIII	24

HeinOnline -- 1891 334 1891

	Art.	Sec.
Courts.—Continued.		
Duties not fixed by special law	V	26
Powers not fixed by special act	V	26
Shall reside where	V	26
Jurisdiction in all ordinance cases	VIII	24
Not prescribed by special act	V	26
Laws relating to courts and practice to be general	VIII	26
Crimes and Criminal Procedure.		
Arrest on military reservation	II	1
Bail allowed in all cases except	III	19
Shall not be excessive	III	20
Bribery	V	41-2-3
Carrying concealed weapons	III	13
Corrupt solicitation	V	43
Crimes committed under Territory prosecuted	XX	3, 9
Corporation subject to police power of State	XV	9
Conviction by unanimous jury in felony	III	23
By two-thirds of jury in misdemeanor	III	23
Of felony disfranchises	IX	2
Treason how	III	9
Only by due process of law	III	27
Works no corruption of blood or forfeiture	III	9
Complaint prosecution on, in Justice Court	III	8
Deposition of witness taken in criminal case	III	17
Disabilities from conviction not removed by special act	V	26
Disfranchisement, removed by pardon	IX	2
District Courts have jurisdiction to try	VIII	11
Export facto laws forbidden	III	11
Felony, Justice of the Peace shall not try	VIII	22
Fines due Territory assigned to State	XX	10
Shall not be excessive	III	20
Forfeiture of estate not by conviction	III	9
Of office by conviction of crime	V	17, 18
Not restored by special act	V	26
Remitted how	VII	9
Formation of trust, punishment	XV	20
Fraud imprisonment for when	III	1
Grand jury	III	8
High crimes, impeachment for	V	17
Impeachment	V	17
Indictment	III	8
Information	III	8
Labor of convict shall not be let by contract	XVIII	2
Laws, relating to trial shall be general and uniform	VIII	26
Legislature shall not attaint of treason	III	9
Shall not remit punishment by special act	V	26
Remove disabilities by special act	V	26
Libel, defense of charge by showing truth	III	10
Making profit out of public funds, felony	XII	14
Malfeasance in office, impeachment and removal for	V	17, 18
Offenses not excused by religious belief	III	4
Pardon by whom granted, proceedings for	VII	9
Prosecution in District Courts how	III	8
Inferior courts how	III	8
Name of "The State of Montana"	VIII	27
Not barred by punishment by Legislative Assembly	V	11
On complaint, indictment and information	III	8
Pending when State admitted	XX	7, 8
Process shall be in name of "The State of Montana"	VIII	27
Served on military reservation	II	1
Practice shall be uniform	VIII	26

HeinOnline -- 1891 335 1891

	Art.	Sec.
Crimes and Criminal Procedure.—Continued.		
Punishment not to be cruel and unusual	III	20
Capital may be inflicted	III	24
Commutation of, by whom	VII	9
Excessive forbidden	III	19
For discrimination by railroad company	XV	7
Forming trust	XV	20
Lobbying	V	11
Making profit out of public funds	XII	14
Inflicted on principles of reformation	III	24
Involuntary servitude may be imposed	III	28
Not provided or remitted by special act	V	26
Of member of Legislative Assembly for disorder	V	11
For swapping votes or	V	41
Remitted by whom, proceedings for	VII	9
Rights of accused to appear and defend	III	16
To appear at taking of depositions	III	17
Agree on number of jury except in felony	III	23
Bail in all cases except	III	19, 20
Decline to testify against self	III	18
Defend libel by showing truth of	III	10
Demand nature and cause of accusation	III	16
Meet witnesses face to face	III	16
Plead former jeopardy for same offense	III	18
Process for witnesses	III	16
Speedy public trial by jury	III	16
Trials in district, where	III	16
Waive jury except in case of felony	III	23
Writ of habeas corpus	III	21
Sentence not affected by admission of State	XX	8
Treason defined	III	9
Damages.		
Corporation liable for personal injury	XV	16
For private property taken for public use	III	14
Private road for water ditch	III	15
Deeds.		
Informal not to be validated by special act	V	26
Debt.		
As to public	XIII	1, 6
Imprisonment for, when allowed	III	12
Interest on public, shall be provided for	XIII	2
How appropriated	V	33
Paid without appropriation	V	34
Limitation upon incurring public	XIII	2, 5, 6
New County shall assume portion of	XVI	3
Public, not to be incurred to build railroad	V	38
Released except by payment	V	39
Relinquished by special law	V	26
Of Territory assumed by State	XX	12
State engages to pay Territorial	Ord. 1	3
Departments of State.		
Executive	VII	
Judicial	VIII	
Legislative.	V	
Officers of one shall not exercise powers in other	IV	1
State government divided into three	IV	1

HeinOnline -- 1891 336 1891

	Art.	Sec
Deposition.		
May be taken and used in criminal cases	III	17
District.		
Congressional, State to be divided into	VI	1
Judicial, State shall be divided into	VIII	12
Defined	VIII	13
May be changed	VIII	14
Officers must reside in	VIII	33
Prosecution to be in	III	16
Representative designated	VI	6
Shall be compact	VI	3
May be altered	VI	3
Designated after each enumeration	VI	2
State shall be divided into	V	4
School (see school)		
Senatorial designated	VI	5
Each County constitutes one	V	4
No District shall include more than one County	VI	4
Numbered	VI	5
State shall be divided into	V	4
District Court.		
(See Court.)		
District Judge.		
(See Court.)		
Divorce.		
District Courts have jurisdiction in actions for	VIII	11
Justice of the Peace has no jurisdiction in cases for	VIII	21
Shall not be granted by special act	V	26
Donation.		
Not by State or municipality	XIII	1
For charity unless	V	35
For Railroad	V	38
Of debt due	V	39
Education.		
(See Schools.)		
Elections.		
All to be by ballot	IX	1
Civil power not to interfere with	III	5
First State, provided for	Ord. II	1, 12
Highest number of votes elects	IX	13
Laws to secure purity of, may be passed	IX	9
Military power shall not interfere with	III	5
Not to be regulated by special act	V	26
Of Clerk of Supreme Court	VIII	9
County Attorney	VIII	19
County Commissioners	XVI	4
Officers	XVI	5
Officers not provided for	XVI	6
District Judges	VIII	12
Executive State officers	VII	1
Returns, tie vote, contest, provided for	VII	2
Justices of Supreme Court	VIII	6, 7, 8
Justices of the Peace	VIII	20
Members of Congress	VI	1
Officers of Legislative Assembly	V	9
Representatives in House of	V	2
To fill vacancy in	V	45
State Senators	V	2
To fill vacancy in	V	45

HeinOnline -- 1891 337 1891

	Art.	Sec.
Elections.—Continued.		
Trustees and directors of corporations	XV	4
On proposition to increase State tax levy	XII	9
To create State indebtedness	XIII	2
City debt for water works	XIII	6
For Sewer system	XIII	6
Increase County debt	XIII	5
Locate State Capital	X	2, 3
Remove County Seat	XVI	2
Qualification for office generally	IX	7, 11
For State Executive office	VII	3
Justice Supremt Court	VIII	10
Judge of District Court	VIII	16
County Attorney	VIII	19
Superintendent of Schools	IX	10
School district office	IX	10
To vote, prescribed	IX	2
Idiots and insane shall not	IX	8
Residence by military service	IX	3
Soldiers stationed at post have not	IX	6
Women may vote at school election	IX	10
May vote as taxpayers when	IX	12
Registration of voters may be required	IX	9
Shall be free and open	III	5
School District, shall be special	XI	10
Term of office when vacancy is filled	VIII	34
Voters privilege from arrest	IX	4
From military service except	IX	5
Electors.		
(See Election.)		
Eminent Domain.		
Right shall never be abridged	XV	9
Employees.		
May recover for personal injury notwithstanding contract	XV	16
Enumeration.		
Apportionment of representation made	VI	2
Of inhabitants when made	VI	2
Rights not restrictive as to others	III	30
Equity.		
Administered with law in same action	VIII	28
District Courts have original jurisdiction in cases of	VIII	11
Justice Courts have no jurisdiction in cases of	VIII	21
One form of action only at law and in	VIII	28
Supreme Court jurisdiction in cases of	VIII	3
Estates.		
Funds of not to be invested in corporate stock	V	37
Laws relating to shall be general and uniform	VIII	26
Of inheritance not to be changed by special act	V	26
No special laws as to, shall be passed	V	26
Not forfeited by conviction of felony or	III	9
Of suicides descend to heirs same as other	III	9
Unclaimed go to common school fund	XI	2
Evidence.		
(See testimony.)		
By deposition in criminal cases	III	17
Rules of, not changed by special law	V	26
Examiner, State.		
Legislative Assembly, shall provide for	VII	8

HeinOnline -- 1891 338 1891

	Art.	Sec.
Examiners.		
State Board of, members	VII	20
Claims against State must be approved by, except	VII	20
Exemption.		
From taxation prescribed	XII	2
All property shall be assessed, except	XII	2
No other exemption allowed	XII	16
Not to be provided by special law	V	26
Of municipality from State tax in no case	XII	6
Indian lands, when	Ord. I	2
United States land and property	Ord. I	2
Not from debt to public by special law	V	26
Liability for personal injury	XV	16
Obligation to public in any case	V	39
Of homestead by liberal law	XIX	4
(See Taxation.)		
Executive.		
Department of State	VII	1-20
Expenses of, how appropriated	V	33
Governor, supreme officer of	VII	5
Officers election, term	VII	1
Contest, returns, tie vote as to	VII	2
Qualifications for office	VII	3
Vacancy in, how filled	VII	7
Shall hold office in no other department	IV	1
Keep accounts of public funds	VII	19
Report to Governor when required	VII	10, 19
Supplies to, furnished under contract	V	30
(See Governor, Lieut. Governor, Secretary, Attorney General, Treasurer, Auditor, Superintendent of Public Instruction.)		
Executor.		
Shall not invest trust funds in corporate stock	V	37
(See Administrator.)		
Expenses.		
Of extra Legislative session provided for	VII	11
Government appropriation for	V	21
Appropriated, how	V	33
Board of Examiners shall first approve	VII	20
For State supplies fixed by contract	V	30
Governor shall report estimate of	VII	10
Void if incurred without previous authority	V	29
Of State institutions to be reported to Governor	VII	10
Investigated, how	VII	10
Expost facto.		
Law prohibited	III	11
Law as to railroad or other corporation forbidden	XV	13
Fees.		
Creating, increasing, decreasing by special act forbidden	V	26
Collected in advance by certain officers and	VII	4
Extra not to be paid or authorized	V	29
In proceeding for private road paid in advance	III	15
Not subject to approval of State Board of Examiners	VII	20
Of Clerk Supreme Court to be fixed by law	VIII	9
District Court to be fixed by law	VIII	18
Members Legislative Assembly	V	5
Shall not be increased during term	V	8
Probate Judge repealed	XX	4
(See Salary.)		

HeinOnline -- 1891 339 1891

	Art.	Sec.
Felony.		
(See Crime and Criminal Procedure.)		
Ferries.		
Shall not be chartered by special act	V	26
Fines.		
(See Crime and Criminal Procedure.)		
Forfeiture.		
(See Crime and Criminal Proceedure.)		
Forts.		
Subject to exclusive authority of United States	II	1
State process may be served on reservation	II	1
Franchise.		
(See Corporation.)		
Freedom.		
A natural right of all persons	III	3
From slavery guaranteed	III	28
Of debate in Legislature	V	15
Elections from interference by civil or military power	III	5
Conscience guaranteed	III	4
Speech and publication	III	10
Religious sentiment guaranteed	Ord.	1
Funds.		
Bills for raising shall originate in House	V	32
Of State shall be paid out only on appropriation	XII	10
Penalty for officer making profit out of	XII	14
School, what shall be paid into	XI	2
State shall guarantee safety of	XI	3
Shall be provided to extinguish public debt	XIII	2
Be available when appropriated	XII	12
(See appropriation, taxation,)		
God.		
Recognition of by the people, preamble.		
Government.		
Founded on will of the people	III	1
Departments of	IV	1
Executive	VII	1-20
Judicial	VIII	1-37
Legislative	V	1-45
Governor.		
Supreme Executive Officer of State	VII	5
Appoints members of Board of Education	XI	11
Officers in certain cases	VII	7
Commissioner of Agriculture and Labor	XVIII	1
State Examiner	VII	8
To fill vacancy in State Executive office	VII	7
Judicial office	VIII	34
Clerk Supreme Court	VIII	34
Approves Acts of Legislative Assembly	VII	12
Joint orders and resolutions of Legislative Assembly	V	40
Commander in chief of militia	VII	6
When out of State	XIV	5
Contracts for supplies subject to approval of	V	30
Duties to be prescribed by law	VII	1
Election for term of four years	VII	1
Contest or tie vote as to how determined	VII	2
Qualifications for office	VII	3
Official oath	XIX	1

HeinOnline -- 1891 340 1891

	Art.	Sec
Governor.—Continued.		
May appoint committee to investigate State institutions	VII	10
Apply for troops to suppress violence	III	31
Call out militia to aid execution of laws	VII	6
Commute punishments	VII	9
Convene Legislative Assembly in extra session	V	6
Senate in extra session for executive business	VII	11
Grant pardons	VII	9
Suspend State Treasurer with approval of	VII	20
Member of Board of Education	XI	11
Equalization	XII	15
Examiners	VII	20
Land Commissioner s	XI	4
Prison Commissioners	VII	20
Officers shall report to	VII	10, 19
Of State institutions shall report to	VII	10
Salary	VII	4
Shall call election to fill vacancy in Legislative Assembly	V	45
Exercise powers in executive department only	IV	1
Hold no other office during term	VII	4
Keep account of money received and paid out	VII	19
Reside at capital of State	VII	1
Recommend measures to Legislative Assembly	VII	10
Report money of State paid out	VII	10
Estimate of funds required	VII	10
See that the laws are faithfully executed	VII	5
Sign all grants and commissions	VII	18
Verify and publish report of State Treasurer	XII	13
State Treasurer shall report to	XII	13
Vacancy in office of, successor	VII	14, 16
Veto power as to joint resolutions, orders, etc	V	40
Acts of Legislative Assembly	VII	12
Appropriation bills	VII	13
Grand Jury, Constitution of	III	8
(See Jury.)		
Grants.		
By special act of Legislative Assembly forbidden	V	26
State, to aid church forbidden	XI	8
To aid school controlled by church forbidden	XI	8
Of irrevocable privilege or franchise forbidden	III	11
Land by United States to State accepted	Ord. I	7
Shall be signed by Governor and	VII	18
Habeas Corpus.		
District Courts may issue and determine	VIII	11
Judges may issue and determine	VIII	11
Justices of the Peace shall not issue	VIII	21
Justice of Supreme Court may issue and determine	VIII	3
Supreme Court may issue and determine	VIII	3
Writ shall never be suspended except	III	21
Home.		
Right to defend with arms	III	13
Shall be free from unreasonable search	III	7
Be exempt from execution by liberal law	XIX	4
Soldiers not quartered in without consent	III	22
May be established and supported by State	X	1
House of Representatives.		
One branch of Legislative Assembly	V	1
(See Legislative Assembly.)		

HeinOnline -- 1891 341 1891

	Art.	Sec.
Indictment.		
By grand jury	III	8
(See Crime.)		
Indian.		
Exempt from taxation, except	Ord. 1	2
Lands exempt from taxation, except	Ord. I	2
Inheritance.		
Law of, not changed by special act	V	26
Insurance.		
Companies not chartered by special act	V	26
Institutions.		
Charitable, State may establish and support	X	1
Aided by State only when	V	35
Perpetuities allowed for support of	XIX	5
Educational, to be established and supported	X	1
Aided by State only when	V	35
Both sexes may enter	XI	9
Entered without religious test	XI	9
Not aided by public when	XI	8
For poor and infirm, counties shall provide	X	5
Public, condition of reported to Governor	XII	10
Governor may appoint committee to investigate	VII	10
Officers shall keep accounts	VII	19
Accounts examined by State Examiner	VII	8
Shall report to Governor	VII	10, 19
Penal, established and supported by State	X	1
Reformatory, established and supported by State	X	1
Soldier's home, State may establish and support	X	1
(See Schools.)		
Insurrection.		
Debt incurred to suppress	XIII	2
Revenue to suppress	XII	12
(See Military, Governor, Treason, Militia War.)		
Interest.		
On public debt, how appropriated	V	33
May be paid without appropriation	V	34
Shall be provided for	XIII	2
Rate not prescribed by special act	V	36
Impeachment.		
Court of	VIII	1
Chief Justice presides at trial when	V	16
For what offences	V	17
Officers liable to	V	17
Of Governor, Lieutenant Governor succeeds	VII	14, 16
Of Lieutenant Governor who succeeds	VII	15, 16
Power of, how exercised	V	16 6
Imprisonment.		
For debt allowed only when	III	12
Of witness to obtain testimony	III	17
(See Crimes Criminal Procedure, Poison.)		
Irrigation.		
Land for ditches and reservoirs a public use	III	15
Right of way for ditches a public use	III	15
Water for, a public use	III	15
Jeopardy.		
No one subjected to twice for same offense	III	18
Not applicable to impeachment	V	17
Not applicable to punishment by Legislative Assembly	V	11

HeinOnline -- 1891 342 1891

	Art.	Sec.
Journal. (See Legislative Assembly.)		
Judge..... (See Court.)	VIII	1-37
Judgments. (See Court.)		
Of Territorial Courts executed by State Courts.....	XX	2
Judicial Department..... (See Courts.)	VIII	1-37
Jurisdiction. (See Courts.)		
Jury.		
Clerk of District Court Commissioner.....	XX	1
Determine law and fact in libel cases.....	III	10
Grand, consists of seven persons.....	III	8
Five concur to find indictment.....	III	8
Summoned when.....	III	8
In Justice Court six constitute.....	III	23
Not summoned or impanneled under special law.....	V	26
Number of, may be agreed upon when.....	III	23
Right of trial by, guaranteed.....	III	16
Trial by secured inviolate.....	III	23
May be waived when.....	III	23
Not waived in felony.....	III	23
Summoned in Supreme Court when.....	VIII	3
Two-thirds find verdict except in felony.....	III	23
Justice of the Peace. (See Court.)		
Labor.		
Bureau and Commissioner of.....	XVIII	1
Land.		
Actual settlers on State, given preference.....	XIX	7
Aliens may acquire for mining purposes.....	III	25
Commissioners, Board of and duties.....	XI	4
Shall classify State lands.....	XVII	1
Disposition of State, regulated.....	XVII	1, 2, 3
For irrigation ditches and reservoirs a public use.....	III	15
Right of way for ditches and private roads.....	III	15
Granted to State by United States accepted.....	Ord. I	7
Indian, subject to authority of United States.....	Ord. I	2
When taxable.....	Ord. I	2
Legislative Assembly shall provide protection from fire.....	XIX	3
Of non-resident not taxed higher than.....	Ord. I	2
United States not taxed.....	Ord. I	2
Private, not taken for public use without.....	III	14
Public shall be held in trust for people.....	XVII	1
School, for State University purpose and proceeds.....	XI	12
Proceeds of shall go into fund.....	XI	2
Apportioned to districts.....	XI	5
United States has primary disposal of.....	III	25
Conceded to have absolute control of public.....	Ord. I	2
Law.		
Due process required to deprive of life, liberty or property.....	III	27
Ex post facto prohibited.....	III	11
Forbidden. (See Legislative Assembly.)		
Not to impair obligation of contracts.....	III	11
Not to impair freedom of speech or press.....	III	11
Not to work corruption of blood or forfeiture.....	III	9

HeinOnline -- 1891 343 1891

Law.—Continued.	Art.	Sec.
Passage of. (See Legislative Assembly.)		
Prohibited. (See Legislative Assembly.)		
Special shall not be passed in certain cases	V	26
Void, if not germane to title of act	V	23
(See Legislative Assembly.)		
Legislative Assembly.		
Composed of Senate and House	V	1
Absence of Members, punishment	V	10
Acts must be presented to Governor	VII	12
Adjournment, not without consent, or	V	14
By less than quorum, when	V	10
Attendance of members may be compelled	V	11
Amendment of bill not to destroy purpose	V	19
Of law, not made by reference to title	V	25
Of Revenue bill by Senate	V	32
Bill, Necessary to passage of law	V	19
Amendment of	V	19
Appropriation introduced, when	V	21
Approval of Governor	VII	12
Enacting clause	V	20
For revenue, must originate in House	V	32
Senate may propose amendment to	V	32
Must be printed and referred to Committee	V	22
Passage of, how consummated	V	24
Over veto, how	VII	12
Signing of, by presiding officer	V	27
Subject of must be single, except	V	23
Title must clearly express subject	V	23
Void as to provisions foreign to subject	V	23
Yeas and nays recorded on final passage	V	24
On passage over veto	VII	24
Compensation of members	V	5
Convenes at Capital, Sessions	V	5, 6
Determines election of Executive Officers, when	VII	2
Disorderly conduct of members punished	V	10
Expenses of, how appropriated	V	33
Expulsion of members	V	11
Extra Session called by Governor, when	V	6
Convened by proclamation of Governor	VII	11
Confined to purpose stated in proclamation	VII	11
Election and qualification of members determined by	V	9
Qualification and term of members	V	2, 3, 6
Governor shall inform by message	VII	10
House, Officers of elected by	V	9
Number and pay fixed by law	V	28
Punishment for contempt of	V	11
Rules determined by	V	11
Shall originate revenue bills	V	32
Speaker, elected from members of	V	9
Journal, each House shall keep	V	12
Ayes and noes recorded in, when	V	12
Always recorded on final passage of bill	V	24
On passage over veto	VII	22
May be published	V	12
Record of signing of bills must be entered in	V	27
Vote and names entered on final passage of bill	V	24
On passage over veto recorded in	VII	24
May call for troops to suppress insurrection	III	31
May establish courts for cities and towns	VIII	24
Extend limitation of debt for cities when	XIII	6
Provide Bureau of Agriculture and Labor	XVIII	1

HeinOnline -- 1891 344 1891

Legislative Assembly.—Continued.	Art.	Sec.
May provide Commissioner of Agriculture and Labor	XVIII	1
Other County and precinct officers	XVI	6
For publication of Supreme Court reports	VIII	32
Registration of voters	IX	9
Qualification of municipal officers	IX	11
Regulate railroads in State	XV	5
Repeal laws relating to corporations	XV	2
Submit amendment to Constitution	XIX	8, 9
Location of Capital to voters	X	3
Members may be arrested in certain cases	V	5
Shall hold office in no other department	IV	1
Shall hold no other State or United States office	V	7
Not vote on measures interested in	V	44
Official oath of members	XIX	1
Officers elected by each House	V	9
Number, duties compensation fixed by law	V	28
Place of meeting provided under contract	V	30
Privilege of members from arrest	V	15
Of Debate	V	15
Quorum, majority constitute	V	10
Representatives, number and districts	V	4
Districts changed, when	VI	2, 3
Designated	VI	6
Secret sessions, when	V	13
Senate, convened for executive business	VII	11
May propose amendment to revenue bill	V	32
Officers of, election	V	9
Number and pay fixed by law	V	28
President, Lieutenant-Governor is	VII	15
Votes, when	VII	15
Pro tem., election	V	9
Performs duties of Governor, when	VII	15
Punishment for contempt of	V	11
Rules of determined by	V	11
Senators, number of	V	4
Each County, entitled to one	V	4
One District	VI	4
Districts numbered	VI	5
Divided into classes by lot	V	4
Sessions begin and close, when	V	5, 6
Open to public except	V	13
Shall appropriate funds to suppress insurection	XII	12
Authorize levy of taxes	XII	4
Designate congressional districts when	VI	1
Judicial districts	VIII	12-14
Enact liberal exemption laws	XIX	4
Levy tax for support of State government	XII	1
For support of common schools	XI	6
Pass laws as to revenue and taxation	XII	18
As to milttary reservation, when	II	1
To protect public lands from fire	XIX	3
Prescribe duties of Board of Pardons	VII	9
Prohibit lotteries in this State	XIX	2
Provide for maintenance of militia	XIV	3
For State Examiner	VII	8
For telegraph and telephone companies	XV	14
Shall provide revenue for State government	XII	1
System of free schools	XI	1
Regulate disposition of public lands	XVII	1, 3

HeinOnline -- 1891 345 1891

Legislstive Assembly.—Continued.	Art.	Sec.
Shall regulate railroad traffic	XV	1, 20
Vacancy in membership, how filled	V	45
Yeas and nays recorded on request of two	V	12
And names recorded on final passage	V	24
Recorded on passage over veto	VII	12
Shall not pass local or special laws as to:		
Actions, changing rules of evidence in	V	26
Changing venue in	V	26
Limitations of	V	26
Summoning jurors in	V	26
Affairs of counties or townships	V	26
Associations, laying down railroad track	V	26
Granting special privileges to	V	26
Relinquishment of debt to public	V	26
Bridges, chartering same	V	26
Banks, chartering same	V	26
Cities, changing names of places	V	26
Prescribing duties or powers of officers	V	26
Relinquishing debt owing to	V	26
Vacating plats, streets or public grounds of	V	26
Citizen, restoring forfeited rights of	V	26
Children, declaring minor of age	V	26
Authorizing adoption of	V	26
Legitmation of	V	26
Crimes, remitting fines, penalties or forfeitures	V	26
Providing for punishment of	V	26
Restoring disabilities resulting from	V	26
Companies, chartering certain	V	26
Granting special privileges to	V	26
Constables, prescribing duties or powers of	V	26
Regulating jurisdiction of	V	26
Corporations, granting charters to certain	V	26
Granting exclusive privilege o	V	26
Relinquishing indebtedness to public	V	26
County, changing names of, places	V	26
Locating or changing county seats	V	26
Prescribing duties or powers of officers	V	26
Relinquishing debt owing to	V	26
Regulating affairs of	V	26
Courts, changing rules of evidence	V	26
Changing venue in cases	V	26
Limitation of actions	V	26
Prescribing practice in	V	26
Summoning or empaneling jury in	V	26
Debt, relinquishment of, owing to public	V	26
Descent, changing the law of	V	26
Deeds, validating informal	V	26
Disabilties, removing same	V	26
Divorce, Granting same	V	26
Elections, Opening or conducting same	V	26
Providing place of voting	V	26
Estates, Affecting estates of any kind	V	26
Changing law of descent	V	20
Providing for sale or mortgage of	V	26
Evidence, Changing rules of	V	26
Exemption, From public debt	V	26
From forfeiture or penalties	V	26
Punishment for crimes	V	16
Taxation	V	26
Fees, Creating, increasing, or decreasing	V	26

HeinOnline -- 1891 346 1891

	Art.	Sec.
Legislative Assembly.—Continued.		
Ferries, Chartering or licensing	V	26
Fines, Providing or remitting	V	26
Forfeitures, Providing, remitting, restoring	V	26
Franchise, Granting special	V	26
Heirs, Affecting estates of	V	26
Changing law of descent	V	26
Insurance, Chartering company	V	26
Interest, Fixing rate of	V	26
Jury, Providing for summoning or empaneling	V	26
Liens, Creating, extending, impairing	V	26
Limitation, In civil actions	V	26
Minors, Affecting estates of	V	26
Declaring of age	V	26
Mortgaging or selling estates of	V	26
Money, Regulating rate of interest on	V	26
Refunding when paid into treasury	V	26
Municipality, Changing names of places	V	26
Creating offices	V	26
Exempting property from taxation	V	26
Extending time for collection of taxes	V	26
Granting right to lay down railroad in	V	26
Laying out, opening, or working roads	V	26
Locating or changing County Seats	V	26
Prescribing duties of officers	V	26
Regulating affairs of	V	26
Names, Changing, of places and persons	V	26
Offices, Creating	V	26
Officers, Increasing or decreasing fees of	V	26
Providing duties or powers of county	V	26
City or township	V	26
School district	V	26
Regulating jurisdiction of constable	V	26
Justice of the Peace	V	26
Police Magistrate	V	26
Persons, changing names of	V	26
Granting special or exclusive privilege to	V	26
Police magistrate, prescribing powers of	V	26
Regulating jurisdiction of	V	26
Practice in Courts of	V	26
Railroad, right to lay down	V	26
Road, chartering or licensing toll	V	26
Laying out, opening or altering	V	26
Vacating or working	V	26
Schools, as to duties or powers of officers	V	26
Management of district	V	26
Streets, vacating	V	26
Taxes, assessment or collection of	V	26
Providing exemption from	V	26
Time for collection of	V	26
Towns, (See Cities.)		
Townships, regulating affairs of	V	26
Duties and powers of officers	V	26
Venue, changing	V	26
Voting, conducting, or providing place of	V	26
Libel.		
Jury, judge of law and fact in case of	III	10
Truth of statement justification	III	10
Liberty.		
(See Freedom.)		

HeinOnline -- 1891 347 1891

	Art.	Sec.
License.		
May be imposed on persons and corporations	XII	1
Liens.		
District Court jurisdiction in cases of	VIII	11
Not created, extended or impaired by special act	V	26
Lieutenant Governor.		
Acts as Governor when	VII	14
An executive State officer	VII	1
Chief Justice presides at impeachment of	V	16
Duties to be prescribed by law	VII	1
Election and term	VII	1
Contest and tie vote as to	VII	2
May reside where	VII	1
Official oath	XIX	1
President of Senate and votes when	VII	15
Qualifications for office	VII	3
Salary, same per diem as Speaker	VII	4
Vacancy in office who succeeds	VII	15, 16
Limitation.		
Of action not provided by special law	V	26
Not affected by change to State government	XX	3
Upon State and municipalities incurring debt	XIII	1-6
Lotteries.		
Shall be prohibited in this State	XIX	2
Magistrate.		
(See Court, City.)		
Malfeasance.		
(See Crimes, Impeachment.)		
Member.		
(See Legislative Assembly.)		
Message.		
Governor shall inform Legislative Assembly by	VII	10
(See Governor.)		
Mileage.		
Of Members of Legislative Assembly	V	5, 8
Military.		
Appointment to office in, qualification	IX	7
Appropriation shall be made to maintain militia	XIV	3
Arms, records, banners shall be safely kept	XIV	4
Armed bodies not brought into State except	III	31
Governor commander in chief of militia	VII	6
When out of State	XIV	5
May call out militia to execute law	VII	6
Legislative Assembly may call for troops	III	31
Militia consists of	XIV	1
Shall be organized and supported	XIV	2, 3
Officer must be citizen	IX	7
Of militia may hold civil office	V	7
Power not to interfere with elections	III	5
Residence neither gained nor lost by service	IX	3, 6
Reservations subject to exclusive authority of United States	II	1
Persons, on subject to court process	II	1
Service not required of voter on election day except	IX	5
Soldier not to be quartered in private house except	III	22
Soldier's home may be established and supported	X	1
Subject to civil power	III	22

HeinOnline -- 1891 348 1891

	Art.	Sec.
Militia.		
(See Military, War.)		
Mines.		
May be acquired by aliens	III	25
Taxation of mining property and proceeds	XII	3
Minor.		
Estate of not sold, mortgaged, or affected by special law	V	26
Not to be declared of age by special law	V	26
Not entitled to vote	IX	2
Misdemeanor.		
(See Crime and Criminal procedure.)		
Municipality.		
(See County, City, Township, School District.)		
Name.		
Of persons or places, not changed by special act	V	26
Naturalization.		
District Courts have power of, under United States law	VIII	11
Notary Public.		
May hold other office	V	7
May hold office in other department	IV	1
Oath.		
Arrest of Legislative members for violation of	V	15
Official prescribed for all officers	XIX	1
Required to support search warrant	III	7
Religious opinion not to dispense with	III	4
Obligation.		
(See Debt, Contract.)		
Offenses.		
(See Crimes, Criminal Procedure.)		
Offices.		
(See Appointment, Election.)		
Officers.		
Appointment of, (See Appointment, Election.)		
City, (See City.)		
County, (See County, Election.)		
Election of, (See Election.)		
Executive, (See Executive.)		
Fees of, (See Fees, Salary.)		
Impeachment of, (See Impeachment.)		
Judicial, (See Courts.		
Military, (See Military.)		
Oath of prescribed,	XIX	1
Of Legislative Assembly, (See Legislative Assembly.)		
Of one department not exercise powers of another	IV	1
United States not to hold State	V	7
Punishment of, (See Impeachment, Crime.)		
Qualification for, (See Appointment, Election.)		
Salary of, (See Fees, Salary.)		
State, (See Executive, Legislative Assembly, Courts, Governor, Lieutenant Governor, Secretary, Attorney General, Treasurer, Auditor. Superintendent of Public Instruction.)		
Terms of, (See Appointment, Election.)		
Vacancy in, (See Appointment, Election))		
Pardons.		
Board of	VII	9
Governor grants with approval of board	VII	9

HeinOnline -- 1891 349 1891

	Art.	Sec.
Pardons.—Continued.		
Proceedings required before granting	VII	9
Restores right of suffrage	IX	2
Penalty.		
(See Crime and Criminal Procedure.)		
Penitentiary.		
(See Prison.)		
People.		
(See Rights.)		
Perpetuities.		
Allowed only for charitable purposes	XIX	5
Police Magistrate, (See Court, City.)		
Power, construction of	XV	9
Corporations subject to	XV	9
Poor.		
Counties shall provide for aged and infirm	X	5
Posse Comitatus.		
May be summoned by civil power	III	13
Not summoned from without State	III	31
Practice.		
Licentious not excused by religious belief	III	4
Of Board of Pardons	VII	9
Of Courts as to bail in criminal cases	III	19
As to depositions in criminal cases	III	17
Habeas corpus writ	III	21
Opening private roads	III	15
Punishment for crime	III	24
Taking private property for public use	III	14
Trial by jury	III	23
Laws relating to shall be general and uniform	VIII	26
In case of search warrant	III	7
In criminal cases, (See Crime.)		
Process shall be in name of	VIII	27
May be served on military reservation	II	1
Of Legislative Assembly, (See Legislative Assembly.)		
(See Crime and Criminal Procedure.)		
President.		
Of Senate, Lieutenant Governor	VII	15
Pro tem., election of	V	9
(See Legislative Assembly.)		
Printing.		
For State to be done under contract	V	30
Of bills in Legislative Assembly required	V	22
Journal of Legislative Assembly may be	V	12
Law as amended required	V	25
Opinions of Supreme Court	VIII	32
State Treasurer's report	XII	13
(See Publication.)		
Prison.		
State Board of Commissioners and duties	VII	20
Labor shall not be let by contract	XVIII	2
Sentence not affected by admission of State	XX	8
Privilege.		
Of Members Legislative Assembly	V	10–15
Voter on election day	IX	4

HeinOnline -- 1891 350 1891

	Art.	Sec.
Privilege.—Continued.		
Exclusive not to be granted	V	26
Special irrevocable, not to be granted	III	11
(See Rights.)		
Probate.		
District Courts have jurisdiction in all matters of	VIII	11
Clerks fees in matters of	XX	5
Matters of, pending at admission transferred to District Court	XX	13
Statutes relating to apply to District Court	XX	4
Processs.		
Civil and criminal served on military reserve	II	1
Of District Courts extends throughout State	VIII	11
Supreme Court extends throughout State	VIII	2
Of Courts to be in name of "The State of Montana."	VII	27
Prosecution.		
(See Crime and Criminal Procedure.)		
Publication.		
Freedom of not to be impaired by law	III	10
For State to be done under contract	V	30
Of Journal of Legislative Assembly	V	12
Law as amended, must be	V	25
Notice of application for pardon	VII	9
Supreme Court reports	VIII	32
Treasurer's reports shall be made	XII	13
(See Printing.)		
Railroad.		
Assessment for taxation	XII	16
As to acceptance of Constitution	XV	8
Common carrier subject to control of	XV	5
Consolidation of certain lines forbidden	XV	6
Consolidation will not oust State jurisdiction	XV	15
Construction of, encouraged	XV	5
Discrimination in transportation forbidden	XV	7
Liable for personal injury to emyloyes	XV	16
Must afford equal privileges for transportation	XV	7
May cross, intersect, or connect	XV	5
Not to be granted public aid	V	38
Officer of one not to be of another	XV	6
Pools and trusts forbidden	XV	6, 20
Rates subject to regulation	XV	5
Retrospective law, as to forbidden	XV	13
Right of way not granted by special act	V	26
Shall not infringe equal rights of persons	XV	9
Not issue fictitious stock or bonds	XV	10
Street not laid without consent	XV	12
Stock increased, how	XV	10
Subject to power of eminent domain	XV	9
To police power of State	XV	9
(See Corporation.)		
Rebellion.		
(See Insurrection, Military, War.)		
Recorder.		
(See County.)		
Registration.		
Of voters may be provided	IX	9
(See Election.)		

HeinOnline -- 1891 351 1891

	Art.	Sec.
Religion.—Continued.		
Free enjoyment of gurranteed	III	4
No law shall give preference to any form of	III	4
Perfect toleration of secured	Ord. I	1
Unlawful practice not excused by	III	4
(See Church.)		
Report.		
Board of Pardons shall make	VII	9
Governor shall make to Legislative Assembly	VII	10, 19
Officers shall make to Governor	VII	10, 19
State Examiner shall make	VII	8
Representative.		
(See Legislative Assembly.)		
Representation.		
Rate fixed by Legislative Assembly, when	VI	2
Reprieve.		
Governor may grant and shall report to	VII	9
Reservation.		
United States authority over military	II	1
Process, of State Courts served on	II	1
Revenue.		
(See Taxation.)		
Revision.		
Of statute law of State	V	23
Rights.		
Declaration of pepole's	III	1-31
Enumeration of some, no restriction as to other	III	30
Of Accused, (See Crime and Criminal Procedure.)		
Aliens to acquire mining property	III	25
Eminent domain	XV	9
Jury trial, (See Jury, Courts.)		
Suffrage, (See Election.)		
To water for irrigation	III	15
Roads.		
Laws relating to shall not be special	V	26
Private opened, how	III	15
Toll, not to be chartered by special law	V	26
Ferries not to be chartered by special act	V	26
(See Railroad.)		
Rules.		
Each House of Legislative Assembly may make	V	11
Of Legislative Assembly not subject to Governor's approval	V	40
Of Supreme Court, Clerk subject to	VIII	9
Salary.		
Extra not to be authorized or paid	V	29
Not to be changed during term	V	31
Not to be changed by special act	V	26
Not to be enlarged or diminished during term	VII	4
Not to be increased or decreased during term	VIII	29
Not subject to approval of Board of Examiners	VII	20
Of Clerk Supreme Court to be fixed by law	VIII	9
Clerk District Court to be fixed by law	VIII	18
Commissioner of Agriculture and Labor	XVIII	1
Executive State officers prescribed	VII	4
Judges of Supreme and District Court prescribed	VIII	29
Members of Legislative Assembly	V	5
State Examiner to be fixed by law	VII	8

HeinOnline -- 1891 352 1891

	Art.	Sec.
Schools.		
Appropriation for, how made	V	33
Aided by State, only when	V	35
Board of Education, members, duties	XI	11
District, debt to be paid by tax levy	XII	8
Debt limited	XIII	6
Office, women may hold	XI	10
Shall keep open school three months each year	XI	6
Shall not aid sectarian school	XI	8
Election of district officers shall be separate	XI	10
Women may vote at	IX	10
Educational institutions, amendment of charter	XV	2
Controlled by church, not aided by	XI	8
State shall establish and suppor	X	1
Investigation of, how made	VII	8, 10
Officers of, shall report	VII	10, 19
Fund shall be maintained	XI	2, 6
Corporate dividends unclaimed paid into	XI	2
Distribution of	XI	5
Escheated estates paid into	XI	2
For State university	XI	12
Proceeds of school lands paid into	XI	2
Penalty for officer making profit out of	XII	14
Shall remain inviolate	XI	3
State shall guarantee safety of	XI	3
Free from sectarian control	Ord. 1	1
To all children and youth	XI	7, 9
Lands controlled by Board of Commissioners	X	2, 4
Not regulated by special law	V	26
Property exempt from taxation	XII	2
State engages to maintain uniform system of free	Ord. I	4
Shall establish and support system of	XI	1
Shall establish and support institutions for	X	1
State Superintendent of Public Instruction, election, term	VII	1, 2
An executive officer	VII	I
Member of Board of Education	XI	11
Member of Board of Land Commissioners	XI	4
Official oath	XIX	1
Qualifications for office	VII	3
Residence and duties	VII	1
Salary	VII	4
Shall hold no other office	VII	4
Shall report to Governor	VII	10, 19
Vacancy in office of	VII	7
Superintendent, County, election, term, vacancy	XVI	1
Official oath of	XIX	1
Shall keep office at county seat	XIX	6
Women may hold	IX	10
Seal.		
All grants and commissions to be accredited by	VII	18
Of courts	XX	6
State of Montana	VII	17
Territory assumed by State	XX	16
Secretary of State.		
Election, term, residence, duties	VII	1
Election, contest, or tie vote as to, how determined	VII	2
Fees of collected in advance and paid to	VII	4
Keeper of great seal	VII	17
Member of Board of Equalization	XII	15
Board of Examiners	VII	20
Board of Land Commissioners	XI	4
Board of Prison Commissioners	VII	20

HeinOnline -- 1891 353 1891

	Art.	Sec.
Secretary of State—Continued.		
Official oath	XIX	1
Qualifications for office	VII	3
Salary prescribed	VII	4
Shall countersign and affix seal to	VII	18
Exercise powers in no other department	IV	1
Keep accounts and report to Governor	VII	10, 19
Vacancy in office of, how filled	VII	7
Senate.		
(See Legislative Assembly.)		
Senator.		
(See Legislative Assembly.)		
Settlers.		
On State lands given preference	XIX	7
Sheriff.		
Election, term, vacancy in office how filled	XVI	5
Official oath	XIX	1
Shall keep office at county seat	XIV	6
Slavery.		
In Montana forbidden	III	28
All persons born equally free	III	3
Involuntary servitude for criminal punishment only	III	28
Soldier.		
(See Military, War.)		
Speaker.		
Acts as Governor when	VII	16
Elected from members of House	V	9
Per diem to be prescribed by law	VII	4
Signs bills in presence of House	V	27
(See Legislative Assembly.)		
State Prison.		
(See Prison.)		
Stocks.		
(See Corporation.)		
Street.		
Not vacated by special law	V	26
Railroad not laid in without consent	XV	12
Suffrage.		
(See Election.)		
Suicide.		
Estate of descends like others	III	9
Superintendent of Public Instruction.		
(See School.)		
Supreme Court.		
(See Court.		
Surveyor.		
County, election, term, vacancy how filled	XVI	5
Official oath	XIX	1
Shall keep office at county seat	XIX	6
Taxation.		
All property shall be assessed except	XII	16
Assessment valuation, same for State, County and municipal	XII	5
Assessment and collection not regulated by special law	V	26
Assessment of mines and mining proceeds	XII	3
Collector of, in county	XVI	5

HeinOnline -- 1891 354 1891

	Art.	Sec.
Taxation.--Continued.		
Corporations subject to, for all purposes	XII	7
District Court jurisdidiction in cases involving	VIII	11
Dues from corporation	XV	19
Due State not to be released in any case	XII	6
Due Territory assigned to State	XX	10
Exemption from not provided by special law	V	26
Exemption forbidden exept as	XII	1
Of corporate stock when	XII	17
Of Indian lands from	Ord. I	2
Of United States land and property	Ord. I	2
Governor shall report estimate required	VII	10
Legislative Assembly shall provide for support of State by	XII	1
Shall pass laws as to	XII	18
Levied by Counties and Municipalties	XII	4
For public purposes only	XII	11
State purposes shall not exceed	XII	9
State purposes shall be paid into treasury	XII	10
Only under general laws	XII	11
To extinguish public debts	XIII	2
To maintain free school	XI	6
Pay interest on public debts	XIII	2
Pay municipal debts	XII	8
Support State government	XII	1
Suppress insurrection or	XII	12
License imposed on persons and corporations	XII	1
Of non-resident no greater than resident	Ord. I	2
Power of County and Municipality to levy	XII	4
Power to levy not to be delegated to commission	V	36
Property exempt from	XII	2
"Property" defined a used in reference to	XII	17
Time for collection not extended by special act	V	26
Valuation for, alike as to State, County and Municipal	XII	5
Testimony.		
In criminal case by deposition	III	17
Not required of person against self	III	18
Of two witnesses to convict of treason	III	9
Rules governing not changed by special act	V	26
Tort.		
Imprisonment in cases of, when	III	12
Town.		
(See City,)		
Township.		
Affairs not regulated by special act	V	26
Debts paid by levy of taxes	XII	8
Limitation of indebtedness	XIII	6
Obligations beyond limitation void	XIII	6
Office, vacancy in, how filled	XVI	5
Officers may be provided for by Legislative Assembly	XVI	6
Shall not make donations	XIII	1
Two justices of the peace elected in each	VIII	20
Treasurer—State.		
Accounts examined by State Examiner	VII	8
Approves contract for State supplies	V	30
Bond shall be liable for safety of funds	XII	13
Election, term, duties, residence	VII	1
Contest or tie vote as to determined by	VII	2
Fees collected in advance and paid into treasury	VII	4
Governor may suspend with approval of	VII	20
Legislative Assembly may prescribe the manner of keeping funds	XII	13

HeinOnline -- 1891 355 1891

	Art.	Sec.
Treasurer—State.—Continued.		
Member of Board of Equalization	XII	15
Not eligible to succeeding term	VII	1
Official oath	XIX	1
Pays out funds only on appropriation except	V	34
Pays out funds pursuant to appropriation only	XII	30
Penalty for making profit out of public funds	XII	14
Qualifications for office	VII	3
Report of, made to Governor	VII	10, 19
Verified and published by Governor	XII	13
Salary prescribed	VII	4
Shall keep accounts	XII	19
Keep accounts in what manner	XII	13
Hold no other office during term	VII	4
County.		
Accounts examined by State Examiner	VII	8
Election, term, vacancy in office how filled	XVI	5
Ex-officio, tax collector	XVI	5
Not to hold more than two consecutive terms	XVI	5
Official oath	XIX	1
Penalty for making profit on public funds	XII	14
Qualification for office (see Election)		
Trial.		
(See Crimes and Criminal Proceedure, Courts, Jury.)		
Trust.		
Formation of, forbidden	XV	20
Of pool by railroad forbidden	XV	6
United States.		
Authority over military reservations conceded	II	1
Over mineral and other public lands declared	III	25
Over public and Indian lands conceded	Ord. 1	2
Constitution of adopted by people of Montana	Ord 1	5
Court succeeds to certain cases pending in Territorial Court	XX	14
Electors of State shall be citizens of	IX	2
Grant of lands to State accepted	Ord. 1	7
Law shall govern naturalization	VIII	11
Officers not to hold State office	V	7
Property exempt from taxation	XII	2
Relations of State with are indissoluable	Ord. 1	6
Residence in State not gained or lost in service of	IX	3
State militia in service of commanded by whom	VII	6
State officers must be citizens of	IX	7, 11
University.		
(See Institution, School.)		
Vacancy.		
(See Appointment.)		
Venue.		
Change of in criminal cases	III	16
Not provided by special law	V	26
Veto.		
(See Governor, Legislative Assembly.)		
Vote.		
(See Elections.)		
Voter.		
(See Elections.)		

HeinOnline -- 1891 356 1891

	Art.	Sec.
War.		
Debt incurred by, provided for	XIII	2
Habeas corpus writ suspended in time of	III	21
Levying against State is treason	III	9
Militia, (See Military.)		
Revenue for purposes of	XII	12
(See Military.)		
Water.		
For city, debt may be incurred for supply	XIII	6
Irrigation purposes a public use	III	15
Weapons.		
Carrying concealed, not permitted	III	13
Witness.		
(See Testimony, Crime.)		
Women.		
May hold certain public offices	IX	10
Not vote in general	IX	2
Vote at school district elections	IX	10
Vote on certain other questions	IX	12

HeinOnline -- 1891 357 1891

HeinOnline -- 1891 358 1891

INDEX

TO

LAWS OF STATE OF MONTANA

ENACTED BY

Second Legislative Assembly.

HeinOnline -- 1891 359 1891

INDEX.

Amendment to Section 4, Article 6, of State Constitution.
Submission of amendment as to election and apppointment of County Commissioners ... 1 294
Canvass of voters ... 2 295
What ballots to show ... 3 295

APPEALS—See: Eminent Domain, Information, Irrigating Ditches, State Board of Examiners.

APPOINTMENTS—See: County Auditor, District Judge, Mineral Land Commissioner, World's Fair Commissioners.

APPROPRIATIONS.
For certain expenses of State for fiscal years ending December 1, 1891 and December 1, 1892 ... 1 129
State Board of Equalization ... 1 129
Clerk of Board ... 1 129
State Board of Pardons ... 1 130
Clerk ... 1 130
State Board of Prison Commissioners ... 1 130
Board of Land Commissioners ... 1 130
For selecting, platting, etc., lands ... 1 130
For clerical assistance of Board ... 1 130
Repairs on arsenal, ... 1 130
Bounties for wild animals ... 1 130
Stationery and office supplies for State officers ... 1 130
Public printing ... 1 130
Clerk for Secretary of State ... 1 130
State Treasurer at end of each fiscal year to cover in general fund balances remaining in special funds ... 2 130
Appropriations for fiscal years ending December 1, 1891, and December 1, 1892 ... 1 131-2-3
Governor ... 1 131-3
Secretary of State ... 1 131-3
Attorney General ... 1 131, 133
State Treasurer ... 1 131, 133
State Auditor ... 1 131, 133
Superintendent of Public Instruction ... 1 131, 133
Governor's Secretary and office ... 1131, 133
Secretary of State's clerk hire and office ... 1 131, 133
Attorney General's office ... 1 131, 133
State Treasurer's clerk hire and office ... 1 131, 133
State Auditor's clerk hire and office ... 1 131, 133
Superintendent of Public Instruction for traveling and office expenses ... 1 131, 133
Rent of State offices ... 1 131, 133
Requisitions ... 1 131, 133
Rewards ... 1 131, 133
Appropriations for Members of Legislative department and employees ... 1 132
Lieutenant Governor ... 1 132
Speaker of House ... 1 132
Justices of Supreme Court ... 1 132, 134
Rent and office expenses of ... 1 132, 134
Clerk of Supreme Court for office expenses ... 1 132, 134
County Attorneys ... 1 132, 134

HeinOnline -- 1891 360 1891

	Sec.	Page.
APPROPRIATIONS—Continued.		
Judges of District Court	1	132, 134
Additional District Judges	1	134, 135
Mineral Land Commissioner and his expenses	1	135
For Stock Inspector and Detective fund by transfer from stock indemnity fund	1	135
Appropriations for years 1891, 1892.		
For Boiler Inspector and Assistant	1	136
For Inspector and Deputy Inspector of Mines	1	136
Veterinary Surgeon	1	137
For State Militia	1	137
For Insane	1	138
Deaf mutes, idiots and blind	1	139
Support of convicts in State prison	1	139
In County jails and for transportation	1	140
State law library	1	140, 141
Insurance and care of certain State property	1	142
Appropriations for discharged convicts	1	142
Duty of State Treasurer as to unused moneys in specific funds	1	143
Appropriations for relief of individuals.		
Drs. Mitchell and Mussigbrod	..	144, 146
Conley and McTague	..	145, 148
Members and employees of First Legislative Assembly	..	148-150
Jessie P. Stafford	..	150
A. P. Brown	..	151
Bounty claims	..	152
National Guard	..	152
A. C. Witter's heirs	..	153
A. C. Witter and others	..	153
R. E. Humber	..	155
C. M. Jefferis	..	155
C. R. Reardon and others	..	156
Journal Publishing Company	..	159
Certain claims against the State approved by the State Board of Examiners	..	161-2-3
ASSESSMENT—See Deductions, Taxation.		
Limiting credits	4	75
Lands and improvements, separately assessed	5	75
Bank stock assessed to holders in county of bank	6	75
Officer of bank to furnish verified statement	6	76
Real estate of bank	6	76
Deductions from, and value of bank stock	7	76
Limitation upon assessment value of	8	76
Private bankers to furnish verified statements	10	76
State board must assess railroads operating in more than one county	11	76
Place of assessing corporate franchises	11	77
Place of assessment of other taxable property	12	77
Real estate assessed in parcels	12	77
Manner of assessment by county assessor	12	77
When county assessor to make assessment	13	78
Mistake in name of owner of real estate not to vitiate	13	78
Assessor to require verified statement of property	14	78
What statement must show	14	78
Failure to furnish does not relieve property from taxation	14	80
Blank statements to be furnished by county commissioners, and to contain certain recitals	15	80
Assessor may fill in blank or require it to be filled	15	81
Assessor to give notice of correction in	15	81
Assessor has power to require affidavit	17	81
To examine person in county or out	17	81
Penalty for refusal to furnish or swear to statement	17	81
When recovered, to be paid into State treasury	17	81
Assessor learning of property in another county must notify assessor of that county	17	81

HeinOnline -- 1891 361 1891

ASSESSMENT—Continued.	Sec.	Page.
Assessor to note refusal to furnish statement and to estimate value of property	18	82
To estimate value of property of unknown or absent owner	19	82
To assess same in name of owner if known	20	82
Consigned personalty assessed	21	82
Assessment to trustee, etc., must designate such representative capacity	22	82
Firm or corporate property assessed in name of, and in county where situated	23	82
Assessment of estate of decedents	24	82
Personal property belonging to business to be listed in place of business	25	83
Place of assessment of transportation companies and vessels	26	83
Of personalty and franchises of gas and water companies	27	82
Mains and pipes of, held personalty	28	83
Place of listing and assessing street railroads, bridges, ferries and their franchises	29	83
Track of street railroad or bridge held personalty	29	83
Place of assessment of railroad in one county, telegraph, telephone, electric lines, etc., ditches, flumes, etc	30	83
Owner or agent to state on oath number of miles	30	83
Live stock assessed in county where grazing	31	84
But not while in transit	31	84
Money and property in litigation	32	84
Taxes paid under direction of court	32	84
When attempt made to evade taxation, property must be assessed at ten times its valaue	33	84
Assessor may assess property which has escaped whenever he discovers it	33	84
Assessor must prepare assessment book under direction of State Board of Equalization	34	84
What it should contain in separate columns	34	84
Exempt land not liable for tax on improvements thereon	34	85
State Board of Equalization to direct form of assessmsnt book and list	35	86
Failure to subscribe any affidavit not to invalidate assessment	36	86
Completion of book and affidavit	36	86
Delivery of book	37	86
County Clerk to give notice of equalization	37	86
When assessor to transmit statement to State Board of Equalization	38	87
Failure of Assessor to complete assessment book or transmit statement	39	87
Liability of Assessor and sureties for willful failure or neglect to assess	40	87
Duty of County Attorney to institute suit	41	87
Judgment if suit is successful	42	87
Officer or owner of railroad operating in more than one county to furnish sworn statement	43	88
What statement to show	43	88
Meeting of State Board of Equalization	44	89
To assess all property of railroads operating in more than one county	44	89
To whom such property assessed	44	88
Depots, stations, shops, etc., to be assessed by County Assessors	44	90
Apportionment of assessment by State Board	44	90
To transmit proportionate apportionment to County Clerks	45	90
Statement of apportionment	45	90
County Clerks to enter in assessment books	45	90
Duty of County Commissioners as to such apportionment	46	91
Transmission of sub-apportionment by County Clerks to cities, school districts, etc	46	91
Valuation of such property	46	91
Collection of taxes upon	46	91
Correction of assessment by State Board	47	91
Equalization by	47	91
Notice of correction or change to County Clerks	47	92
Duty of County Clerks as to	47	92
Record of railroad assessments by State Board	48	92
Basis or taxation of property of such railroads in counties and subdivisions of	49	92

HeinOnline -- 1891 362 1891

ASSESSMENT—Continued.	Sec.	Page.
In incorporated cities and towns	49	92
Collection of taxes upon, in local districts	49	92
Statement to County Assessor of owner or superintendent of net proceeds of quartz or placer mines or claims	50	93
To be verified	50	93
What to contain	50	93
Deductions allowed	51	93
Assessment book of net proceeds of mines to be prepared by County Assessor	52	94
What to contain	52	94
Duties of all assessing officers as to net proceeds	53	94
Equalization of	53	94
Neglect to furnish statement by owner, etc, engaged in mining, authorizes Assessor to assess	54	95
Right of Assessor to examine books of all persons, etc., engaged in mining	55	95
Improvements, etc., upon mining claims not exempt from taxation	56	95
Collection of tax upon, and lien for taxes upon mines and mining claims	57	95
When lien attaches	57	95
Sale of, for delinquent taxes	57	95
Board of appraisers of real estate	58	95
When to meet	58	96
Assessor limited by appraisal	58	96
Compensation of third member of Board	59	96
County Commissioners to constitute County Board of Equalization	60	96
When to meet	60	96
To adjust and equalize valuations	60	96
Has power after notice prescribed by rule to lower or increase any assessment	61	96
To change any valuation or class of valuations	61	97
No power to change or alter any assessment of railroad or person made by State Board	61	97
Application must be made before any reduction	62	97
Hearing of application	63	97
Same	64	97
Assessor must attend equalization session	65	97
County Clerk must transmit to Assessor information as to all recorded securities	66	98
Duty of Assessor when land in more than one county is embraced in any such instrument	66	98
State Board must assess valuation of such lands and apportion to counties	67	98
Assessor when to subdivide apportionment	67	98
Deduction on account of partial payment on any such security	67	98
County Board of Equalization to avail itself of sources of information	68	99
May require Assessor to enter in book, or to assess all unassessed property or incompletely assessed property	68	99
Board may assess when	69	99
Notice	69	99
Record of all changes, etc., to be kept by County Clerk	70	99
Oath required of him	70	100
Members of State Board of Equalization	71	100
Officers of	71	100
Quorum	71	100
Powers and duties	72	100
May deduct from or add to valuation without notice	73	103
Action when a County Clerk fails to furnish a statement	74	103
Secretary to transmit to counties all changes in assessments	75	103
Penalty for disobedience to subpœna or rules of board	76	103
Duty of Board when County Assessor or deputy has fraudulently assessed	77	103
Clerk or any member of Board may administer oath	78	104
Expenses of members of Board	79	104

HeinOnline -- 1891 363 1891

ASSESSMENT—Continued.	Sec.	Page.
County Clerk to enter total valuations of each class of property in assessment book	85	105
To enter total acreage of lands	85	105
To prepare duplicate statements	86	105
What sta ements to show	86	106
To transmit one to State Auditor and one to State Board of Equalization	87	106
County Clerk must enter all changes of State Board in county assessments	88	106
When he shall disregard action of County Commissioners	88	106
Must compute and enter in assessment book respective amounts of taxes to be paid	89	106
Must enter totals as corrected by State Board	89	106
To deliver to County Treasurer a copy of corrected assessment book with affidavit attached	90	107
Original book to remain in office o. County Clerk	91	107
Must charge Treasurer with amount of taxes levied	92	107
County Clerk must take oath to all statements furnished by him	93	107
Must debit and credit, when assessment book or delinquent list is transferred for collection	94	107
Penalty for failure in duty	95	107
Notice by county treasurer to tax payers	96	108
Receipt by Treasurer	97	108
Duty of District Court as to taxes due on estates of decedents	98	108
Settlements of County Treasurer with County Commissioners	99	108
Treasurer to file statements under oath with County Clerk	99	108
When taxes become delinquent	100	108
Penalty for delinquency	100	108
County Treasurer and County Clerk to compare and conform original and duplicate assessment books annually	101	109
County Treasurer to deliver delinquent list to Clerk	102	109
Requirements of list	103	109
Clerk to compare list with assessment books	104	109
When to credit Treasurer with delinquent taxes, and make a settlement with him	104	109
Redelivery of delinquent list and redebiting Treasurer	105	109
County Clerk to furnish State Auditor with a statement of delinqnent taxes	106	109
County Treasurer to publish delinquent list	107	110
Notice of sale for delinquent taxes, also	108	110
Publication of notice	109	110
What to designate	110	110
Time of sale	111	110
Affidavit as to publication of notice to be filed with Clerk by Treasurer	112	110
In *prima facie* evidence	112	110
Sale of property	113	111
Postponements	114	111
Designation of property sold	115	111
When Treasurer to purchase for County	115	111
Duty of, as to such purchases	115	111
Failure of bidder to pay	116	112
Penalty	117	112
Certificate of sale in duplicate	118	112
Treasurer to deliver one to purchaser and the other to County Clerk	119	112
Must keep book of sales and certificates	120	112
When lien of State vests in purchaser	121	112
Cost of redemption	121	112
Time for redemption	122	113
Manner of redeeming	123	113
Treasurer to report names of all persons entitled to redemption money and amounts due them	124	113
County Clerk's duties as to certificates of sales	125	113
When and how to enter redemption	126	113

HeinOnline -- 1891 364 1891

ASSESSMENT—Continued.	Sec.	Page.
Tax deeds	127	113
Cost of, to use of County	127	113
Treasurer to acknowledge before County Clerk	127	114
Purchaser must serve notice before he receives deed	128	114
Proof of	129	114
Cost of notice	129	114
Tax deed is *prima facie* evidence of what	130	115
Is conclusive evidence of what	131	115
Title conveyed	132	115
Assessment books and delinquent list or certified copies are *prima facie* evidence of what	133	115
Seizure and sale of personalty for taxes	134	116
Manner of sale	135	116
Notice	136	116
Charges for sale to be collected by Treasurer for use of County	137	116
Bill of sale to purchaser	138	116
When excess is realized on sale	139	116
Return of unsold personalty	140	116
County Clerk to compare delinquent list with assessment books and enter payments	141	116
To administer oath to Treasurer	142	117
To settle with Treasurer as to list and retain same	143	117
Treasurer to make affidavit on list retained	144	117
Refunding taxes, costs, etc., erroneously or illegally collected	145	117
Collection, when property is assessed more than once	146	117
Col ector to report such cases under oath to County Clerk	146	117
Treasurer not to sell property irregularly assessed	147	118
Taxes on same to be collected next year	147	118
Error in name of owner not to affect tax sale	148	118
Treasurer to sue for tax assessed upon personalty when it has been removed to another County	149	118
Proof of assessment upon trial	150	118
Sale of property validly assessed in part only	151	118
When owner of property to be sold must enter protest	151-2	118
Duty of Treasurer in case of protest	152	119
Assessment of property which has been bought in by county for delinquent taxes	153	119
Sale of, for subsequent taxes	153	119
No sale unless Board of County Commissioners authorizes	154	119
Redemptioner from county must pay all taxes assessed to the property	155	120
Distribution of moneys received from such redemption	156	120
Duty of Treasurer to keep account of such moneys and to report to State Auditor	156	120
Duty of Treasurer as to property granted to county on account of delinquent taxes	156	120
County Commissioners may sell at public auction unredeemed property held by county	157	120
Chairman of Board may execute deed	157	121
Duty of Treasurer as to moneys received from such sales	157	121
County Assessor and Treasurer in collecting taxes on personalty to be governed by rate of taxation of previous year, when	158	121
An amount collected in excess of the rate afterwards established, must be refunded	159	121
A deficiency between the amount collected and afterwards established must be collected	160	121
The County Assessor must settle monthly with the County Clerk for all taxes collected by him on personalty	160	121
County Clerk to note in assessment book respective amounts of taxes collected	161	121
Also when there is an excess or deficiency in collections	162	121
What persons are liable for poll tax	163	122

HeinOnline -- 1891 365 1891

ASSESSMENT—Continued.	Sec.	Page.
Assessor to collect	164	122
Clerk to prepare blanks	165	122
Duty of Clerks as to blanks	166	122
Duty of Assessor as to collection of poll tax	167	122
Notice and sale of property seized for unpaid poll tax	168	122
Assessor may render debtor of delinquent liable for tax	169	122
Liability of employers for poll taxes of employees	170	123
Employers to furnish list of employees	171	123
Penalty for failure	171	123
Property to be seized and sold	172	123
Debtor defined	173	123
Debtor paying poll tax may deduct amount from debt	174	123
Delivery of receipts for poll tax	175	124
Evidence of payment	176	124
Settlement of poll tax account to be made by Assessor monthly	177	124
Annual settlement of Assessor and return of unused receipts	178	124
Roll to be kept by Assessor	179	124
When Assessor to deliver to Clerk	180	124
Penalty for delinquency to be added by Clerk and list to be delivered to Treasurer	180	124
Unpaid poll tax a lien on property of delinquent	181	124
Poll taxes for benefit of county poor fund	182	125
County Treasurer to render account to State Treasurer of all money collected for State purposes	183	125
To settle with County Commissioners annually, and also to make final settlement	183	125
Commissioners to report to State Treasurer	183	125
County Treasurer not individually entitled to mileage	183	125
State Treasurer to sue on bond of County Treasurer, when	184	125
Tax payers may do so, when	184	125
Bond of County Treasurer must run jointly to State and County	184	125
County Treasurer is ex-officio collector	185	126
County Clerk's duty to transmit report to State Auditor	186	126
To forfeit salary for failure to transmit reports or statements	187	126
County Commissioners to withhold salary	187	126
Deductions to be made by County Treasurer in his settlement as to State moneys	188	126
State Auditor to enter statement upon report of County Clerk of County Treasurer's settlement, and return copy	189	126
County Treasurer to file with Clerk copy returned by State Auditor	190	126
State Auditor and State Examiner may examine books of collectors of taxes	191	126
Duty of Auditor, if fraud is discovered	192	127
Certain defects or errors in assessment books may be corrected by Assessor	193	127
Republication of delinquent list when corrections are made	194	127
Time of same	195	127
Abbreviations in assessment, etc., of land	196	127
Informalities and failures to complete within time not to invalidiate assessment	197	127
Penalties and forfeitures to use of County	198	127
Settlements of certain County officers as to revenue transactions	199	128
Taxes assessed prior to taking effect of act, to be collected under former law	200	128
County Commissioners may allow Assessors deputies	201	128
Compensation of deputies	202	128
Assessment of, and collection of taxes upon personalty brought into a County after regular assessment	203	128
When collection of taxes may be enjoined	204	128
Repealing clause	205	129
When act to take effect	206	129
Assessment of stock of goods of merchant having no permanent place of business	2	165

HeinOnline -- 1891 366 1891

	Sec.	Page.
ATTORNEY GENERAL.		
Appropriations for	1	131–133
Is member of State Board of Equalization	71	100
To prosecute suit for failure of duty on the part of any officer relating to revenue	192	127
Is a member of Board of Commissioners for Insane	1	202
Is a member of State Board of Examiners	1	183
Also of State Board of Pardons	1	191
Also of State Board of Land Commissioners	5	174 B
To bring action for timber cut on State or school land	33	174 L
Is a member of State Board of Canvassers	14	304
BAIL—See: Depositions in criminal cases.		
BLACKLISTING.		
Person preventing discharged employee from obtaining a situation, guilty of misdemeanor when	1	257
Penalty	1	257
Person blacklisting liable for treble damages	2	258
Failure to furnish statement to discharged employee	2	258
BOARD OF PRISONERS.		
Fees allowed Sheriffs for board of prisoners in county jails	1	234
Repealing clause	2	234
BONDS OF MUNICIPAL CORPORATIONS—See: City of Helena.		
Amendment to section 1 of an act approved Feb. 29th, 1889	1	245
Submitting question of bonds to voters	1	245
BOUNTIES.		
Bounties for killing certain wild animals	1	274
Claimant must exhibit skin to Justice of the Peace	2	275
Affidavit of claimant	3	275
Certificate of justice	3	275
Before issuing, justice to require affidavit of two freeholders	4	276
Examination of skins	5	276
Justice to punch ears and return skins	5	276
To deliver certificate	6	276
What certificate to show	6	276
Signature to, and attestation of	6	276
Fee of justice	6	276
Justice to keep record	7	276
May require further evidence, when	8	277
State Auditor to issue warrant upon order of State Board of Examiners	9	277
Receipt of claimant	9	277
State Auditor and Treasurer to keep record of all warrants and to embrace same in annual report to Governor	9	277
Altering, etc., certificate is forgery	10	277
Patching up skin or signing certificate fraudulently a misdemeanor	11	277
Penalty	11	277
False swearing of witness, etc., is perjury or subornation of	12	278
Penalty for	12	278
Repealing clause	13	278
CAPITAL OF STATE.		
Question of location of seat of government to be submitted, when	1	291
Nomination of cities and towns, how made	2	291
Secretary of State to publish list of nominations	3	292
Also to prepare ballots	3	292
Form of ballots	3	292
Distribution of ballots to County Clerks	3	292
Clerks to distribute to precincts	3	292
Votes to be cast as at general election	3, 4	292-3

HeinOnline -- 1891 367 1891

	Sec.	Page.
CAPITAL OF STATE—Continued.		
Canvass of votes	4	293
General election laws to apply	4	293
Majority of votes to decide	5	293
Re-election when	5	293
CITY OF HELENA.		
Council authorized to issue bonds to redeem indebtedness	1	309
When bonds redeemable, when payable, and rate of interest	2	309
By whom signed	3	309
To be numbered and registered	3	309
Denomination and form of	4	310
Interest payable semi annually	4	310
Levy and collection of taxes to pay bonds and interest	4	310
Rate of taxes	4	310
Notice of sale of bonds	5	310
Sale of	5	310
Money realized to redeem outstanding warrants	6	310
Act to be adopted by vote before going into effect	7	310
Election	7	311
CLERKS OF DISTRICT COURTS.		
To keep general index to court records	1	217
Entries therein	2	218
Powers of clerks in probate matters in vacation	1	219
Effect of acts in such matters	2	219
Duties and powers not abridged	3	220
To make quarterly reports	1	232
To procure seal of court and duties as to same	1	206
Salary	4	236
Number of deputies	4	238
Salary	4	238
CLERK OF SUPREME COURT—See: Seals of Court.		
Election	1	208
Term of office	1	208
Salary	1	208
How paid	1	208
Fees to be collected by	2	208
For benefit of State	2	208
To be paid into State Treasury	2	208
Clerk custodian of seal and records	3	208
To adjourn court, when	3	209
To file papers, etc	3	209
To issue certificate and approve bonds and undertakings	3	209
Other duties	3	209
Is responsible and must account for fees, and to pay fees into State treasury every quarter	3	209
To file at same time with Secretary of State under oath an i emized statement of fees	3	209
When court may allow Clerk a deputy	4	209
Salary of deputy	4	209
Repealing clause	5	209
Clerk to procure seal for court	1	206
Appropriation for	1	132, 134
COAL MINING.		
Operator of coal mine to prepare and deliver to Inspector of Mines map and plan of mine	1	282
Inspection of map or plan filed	1	283
When map to be made	1	283
Alteration and extension to be entered upon	1	283
Duty of operator when mine is worked out	1	283

HeinOnline -- 1891 368 1891

	Sec.	Page.
COAL MINING.		
Upon failure of operator, inspector may cause map or plan of mine to be made	2	284
Suit to recover cost	2	284
Requirements for working coal mine	3	284
Same	4	284
Same	5	285
Supervision of inspection	3, 4, 5	284-5
Notice of unsafe condition by inspector	5	286
Suit by injunction to enforce requirements	5	286
No bond required	5	186
Examination of condition of mine and record thereof	6	286
Precaution and safeguards	6	287-8
Same as to cages and shafts	7	289
Same as to signals, etc	8	289-90
Failure of duty under act a misdemeanor	9	290
Penalty	9	290
Inspector of Mines to provide at expense of State air meters and other suitable instruments	10	291
COAL OIL.		
Regulating quality and sale of	1	259
Violation of act a misdemeanor	2	259
CODE COMMISSION.		
Amendment to section 3 of act of March 14th, 1889	1	278
Duty of commission upon completion of a code	1	279
Amendment to section 5 of said act	2	279
When State Auditor to draw warrant for salary of Commission	2	279
Code Commissioners may withdraw order from custody of Secretary of State for alteration or revision	2	279
Repeal of section 6 of said act	3	279
Additional sections to said act	4	279
Commission to include in codification all general laws enacted by Second Legislature at first session	5	279
To prepare indexes to codes	6	280
What political code to contain	7	280
When codes to be ready for printing	8	280
State Auditor to cause 500 copies to be printed, when	8	280
Commissioners to read and correct proofs	8	280
When copies to be printed	8	280
Auditor to distribute said copies	9	280
Commission to file four copies of final report with Secretary of State	10	281
What report to contain	10	281
Report to be printed for use of members of Legislature	10	281
Additional compensation of Commissioners	11	281
COLLEGES.		
Amendment to Section 620, Division 5, Compiled Statutes	1	273
How colleges, etc., to be incorporated	1	273
Amendment to Sub-division Second Section 621, Division 5, Compiled Statutes	2	273
Number of trustees	2	273
Amendment to Section 623, Division 5, Compiled Statutes	3	273
Number of trustees may be increased or diminished	3	273
Amendment to Section 624, Division 5, Compiled Statutes	4	273
Corporation may be under auspices of church or society	4	274
How trustees to be selected	4	374
Alumni and corporation may share in election of trustees when	4	274
CONSTABLE—See: Mileage.		
Fees of	8	241
To make report	1	232

HeinOnline -- 1891 369 1891

	Sec.	Page.
CONVICTS.		
Appropriations for.....Section 1, Page 139,	1	140
CORPORATIONS—See Colleges.		
COUNTY ASSESSOR—See: Assessment, Reports of County Officers.		
Salary	3	236
Deputy and salary of	4	238
Deputies allowed.....Section 201, Page 128,	4	238
COUNTY ATTORNEYS—See: Assessment, Information, Reports of County Officers.		
Appropriations for one-half of salaries to be paid by the State.Sec. 1, Page 134,	1	132
When to commence suit on Assessor's bond	41	87
Annual settlement with County Clerk	199	128
Duty as to correction of assessment books	193	127
Salary	3	238
To bring action for timber cut or injured on State or school land	33	174 L
COUNTY AUDITOR.		
Office created in certain counties	1	227
When Governor to appoint	1	227
Length of first term	1	227
Election of	2	228
Qualifications for office	2	228
Oath and bond	3	228
Residence	4	228
Compensation	4	228
May administer oaths and issue process	5	229
Fees of witnesses subpœnaed by	5	229
To preserve records, etc., and turn over to successor	6	229
Claims against County to be presented to	7	229
To audit all claims	7	229
To report upon same to County Commi-sioners	7	229
To keep record of same	7	229
To investigate all bills, etc., for materials furnished County or Officers	7	230
Must approve same before order can be drawn	7	230
No claim to be paid by County or warrant drawn without his approval	7	230
District Judge may order payment of claim disapproved	7	230
County Clerk to return to, list of all claims allowed or rejected by Commissioners	8	230
To keep a record of all such claims	8	230
When to examine accounts of County Officers	9	230
When to report results to Commissioners	9	230
To have access to all books and papers of Officers	9	231
Is ex-officio Superintendent of Poor subject to County Commissioners	10	231
Duties as	10	231
Shall discharge such other duties as Commissioners may prescribe	11	231
Repealing clause	12	231
When act to take effect	13	231
COUNTY BOARD OF EQUALIZATION—See: Assessment.		
COUNTY BONDS.		
Amendments to Sections 790, 795, 796 and 808, Divisions 5, Compiled Statutes.....Sections. 1, 2, 3,	4	225, 226
When bonds redeemable and when payable	1	225
When County Commissioners to call election as to incurrence of County Debt	2	226
Notice of election	3	226
When Commissioners may issue coupon bonds without an election	4	226
When after an election	4	226
Limitation upon issue	4	226
When bonds redeemable and payable	4	227
Rate of interest	4	227
Payable semi-annually	4	227

HeinOnline -- 1891 370 1891

	Sec.	Page.
COUNTY CLERKS AND RECORDERS—See: Assessment, Elections, Notices of Election, Penalties and Forfeitures, Reports of County Officers, State and School Lands.		
Duty as to claims	8	230
Salary	3	236
Number of deputies	4	238
Salary of deputy	4	238
Duty upon receipt of writ of election for Member of Legislature	2	176
COUNTY COMMISSIONERS—See: Assessment, County Auditor, County Bonds, Elections, Legislature, Reports of County Officers, Road Viewers, State and School Lands.		
COUNTY TREASURER—See: Assement, Licenses, State and School Lands.		
Bond to run jointly to State and County	181	125
Salary	3	236
Number of deputies and salary	4	238
To make reports	1	232
COURT STENOGRAPHERS—See: District Judges.		
CRIMES—See: Blacklisting, Bounties, Coal Oil, Coal Mining, Depredations, Embezzlement, Estrays, Game and Fish, Obscene Literature, Railroads, Reports of County Officers.		
Officers collecting illegal fee	9	241
Trespass or injury to State or school lands, a misdemeanor	32	174 K
When appraisers of State or school lands guilty of perjury	47	174 L
DEDUCTIONS.		
From credits	Section 4, Page 75, 14	79
From value of bank stock	7, 8	76
From private bank property	10	76
From valuations of mines or claims	Section 50, 51	93
From recorded security on account of partial payment	67	98
DEER LODGE COUNTY.		
Amendment to Section 731, Division 5, Compiled Statutes	1	224
Defining boundaries of Deer Lodge County	1	224
Boundaries of Jefferson County to conform thereto	1	225
Repealing clause	2	225
DEPOSITIONS IN CRIMINAL CASES.		
Witness in criminal case arrested only for purpose of taking deposition	1	246
Bail to be endorsed on committment	1	246
Witness entitled to release, when	Sections 1, 2, 4	246-7-8
To be taken before magistrate	2	247
Magistrate to order taking of deposition and time and place for	2	247
Order to be served	2	247
Manner of taking and return of deposition and time and place for	3	247
When deposition may be used	4	248
DEPREDATIONS UPON SCHOOL AND OTHER STATE LANDS.		
Cutting, injuring, removing or attempting to remove timber upon, a misdemeanor	1	256
Purchasing or receiving timber or abetting removal, a misdemeanor	1	256
Penalty	1	256
Liability to treble damages	2	256
Suit for	2	257
Moneys recovered to be put in public fund	2	257
DISTRICT COURT—See: Clerk of District Court, Depositions in Criminal Cases, District Judges, Eminent Domain, Information, Seals of Court, Sole Traders.		
To direct payment of taxes, when	32	84

HeinOnline -- 1891 371 1891

	Sec.	Page.
DISTRICT JUDGES—See: Information.		
Additional Judge in a district to have concurrent jurisdiction	1	212
To discharge same duties and be subject to same liabilities	1	212
Compensation	1	212
Two or more Judges in a district may exercise powers together	2	212
Or separately	2	212
May interchange	2	212
When more than two sit together ruling of majority to control	2	212
When only two, ruling of presiding judge	2	212
May divide court into departments	2	213
Stenographer to be appointed for each, if necessary	2	213
Compensation of stenographer	2	213
Each department entitled to services of clerk	2	213
Clerk to keep records for each	2	213
Judges to classify and apportion business	2	213
What may be provided for by rule	2	213
Act of Judge sitting alone or in chambers is act of court	2	213
Each department may draw and empanel a grand or trial jury	3	214
No more than one grand jury to be in attendance	3	214
Term of office of additional judges	4	214
Election of	4	214
Vacancy in office of	4	214
Appointment by Governor	4	214
May allow claim approved by County Auditor	7	230
Additional Judges for the Counties of Lewis and Clarke and Silver Bow	1	211
Creation of Ninth Judicial District	1	215
Governor to appoint Judge of	2	215
Compensation, powers and duties of	3	215
What Sixth District to embrace	4	215
Act not to remove Judge or Clerk of Sixth Dixtrict	5	215
Clerk in and for Gallatin County to be Clerk of Ninth District	5	216
Creation of Tenth Judicial District	1	216
Governor to appoint Judge of	2	216
Compensation, duties and powers of	3	216
Act not to remove Judge or Clerk of the Eighth District	4	216
What Eighth District to comprise	5	217
Appropriations for salaries of original eight judges	1	132, 134
For salaries of four additional	1	135
ELECTIONS—See: Amendment to Constitution, Bonds of Municipal Incorporations, Capital of State, County Bonds, Legislature, Notice of Election, Presidential Electors, Representative in Congress, School Trustees.		
When general election held	1	299
Officers to be elected	1	299
Board of County Commissioners ex-officio Board of County Canvassers	2	299
Where to meet	2	299
Supplying place of absent member	2	300
When to meet	2	300
County Clerk is Clerk of	2	300
Board to canvass returns	3	300
To adjourn to await returns	3	300
To send messenger for delayed returns	3	300
Mileage of messenger	3	300
Duty of Board when polls not opened at a precinct	3	300
Canvass to be public	4	301
Irregularities in returns	5	301
Clerk to enter statement of result of canvass	6	301
What statement to show	6	301
What persons Board to declare elected	6	302
Certificate of election	7	302
Duty of clerks as to Members of House of Representatives elected by two or more counties	8	302

HeinOnline -- 1891 372 1891

	Sec.	Page.
ELECTIONS—Continued.		
When clerk of district to whom returns made, to publicly open same	9	303
To make and file statement of returns	9	303
To transmit certified copy to Secretary of State	9	303
To issue and transmit certificates	9	303
Statement to be entered by clerks after election upon general proposition for State or Judicial officers	10	303
To transmit abstracts to Secretary of State	11	303
When secretary to send messenger for delayed abstracts	12	303
Clerk to furnish messenger certified copy	12	304
Compensation of messenger	13	304
How allowed and paid	13	304
State Auditor, Treasurer and Attorney General to constitute State Board of Canvassers	14	304
When and where to meet and duties of	14	304
Secretary of State, as secretary, of to make out and file statement of vote	14	304
To transmit copy to Governor	14	304
Governor to issue commissions	15	304
Secretary of State to issue to Governor when latter is re-elected	15	304
Governor to declare by proclamation result on propositions submitted	15	304
Duty of Secretary of State and Governor when tie vote is cast for Representative in Congress	17	305
Defects and informalties in returns	17	305
Secretary of State to publish and furnish election laws to County Clerks.	18	305
Clerks to supply to election officers	18	305
Canvassing officer failing to discharge duty, guilty of felony	19	305
Penalty	19	305
Repealing clause	20	305
EMBEZZLEMENT.		
Amendment to Section 92, Division 4, Compiled Statutes	1	253
Defining crime of embezzlement	1	253
Punishment	1	253
EMINENT DOMAIN—See: Irrigating Ditches.		
Railroads to acquire real property by exercise of right of eminent domain pursuant to Title XV, First Division Compiled Statutes	1	266
Repealing clause	2	266
Amendment to Section 608, Division 1, Compiled Statutes	1	269
Qualification by and duties of Commissioners in eminent domain, Proceedings	1	269-70
Appeals from Assessments ..... Subdivision Fourth	1	271
Trial ..... Subdivision Fourth	1	271
Judgment upon assessment, verdict or findings ..... Subdivision Fourth	1	271
Costs on appeal from award ..... Subdivision Fourth	1	271
When plaintiff may contest right of defendant to property sought to be condemned ..... Subdivision Fourth	1	271
Amendment to Section 614, Division 1, Compiled Statutes	2	272
Possssion of plainuiff while proceedings are pending	2	272
Security to be given	2	272
When act to take effect	3	272
EQUALIZATION OF TAXES—See: Assessment.		
ESTRAYS.		
Board of Stock Commissioners to take possession of estrays and to dispose of same	1	180
To divide State into districts	2	180
To appoint in each an officer to take up estrays	2	181
Such officer shall hold estrays in cheapest manner possible for forty-two days	3	181
To publish notice as to, for four weeks in two newspapers	3	181
Form of notice	3	181
Sale of by board after such notice	4	181

HeinOnline -- 1891 373 1891

	Sec.	Page.
ESTRAYS—Continued.		
Branding	4	181
Brand is a vent	4	181
Board to keep a record of animals sold	5	181
Net amounts realized from sales to be held for owners	5	181
Board to file copy of record with Secretary of State and each of County Clerks in State	6	182
Also to embody such record in report to Governor	6	182
Expenses, how paid	7	182
Unclaimed net proceeds to be paid into State treasury, when	7	182
Any unauthorized person taking up estray is guilty of a misdemeanor	8	182
Exception in case of trespassing animals	8	182
Penalty for misdemeanor	8	182
Officer in district to determine what animal is an estray	9	182
"GAG" LAW.		
Repeal of Sections 252, 253, 254, Division Fourth, Compiled Statutes	1	254
GAME AND FISH.		
Amendment to act of February 23, 1889, Sixteenth session	1	251
Killing certain animals a misdemeanor	1	251
Penalty	1	251
Presumptive evidence of guilt	1	251
When certain game must not be killed	2	251
Killing out of season a misdemeanor	2	252
Penalty	2	252
Act must not apply to owners of animals	3	252
Regulating catching of fish	3	252
Violating section a misdemeanor	3	252
Penalty	3	252
Persons using explosives to catch fish guilty of felony	4	253
Penalty	5	253
Repealing clause	5	253
When act to take effect	6	253
GOVERNOR—See: Appointments, Elections, Presidential Electors, Representative in Congress, Right of Way, State and School Lands, State Board of Pardons, State Board of Land Commissioners, State Furnishing Board, State Treasurer.		
Is custodian of State armory and of all property of State used by Legislature	1	172
Appropriations for	1	131, 133
Is a Member and President of State Board of Equalization	71	100
When to issue writ of election to fill vacancy in Legislature	1	175
Is a Member and President of Board of Commissioners for Insane	1, 2	202
Is a Member and Chairman of State Board of Examiners	1	183
Is a Member and President of State Board of Land Commissioners ..... Section 5, Page 174 B	7	174 C
To sign patents to State lands	4	174 B
GRAND JURY—See: District Judges.		
HISTORICAL SOCIETY.		
Prescribing manner in which historical society of Territory may become that of the State	1	199
Society to be trustee of State	1	199
Acquisition of property for State	1	199
Not to dispose of same	1	199
May sell or exchange duplicate	1	200
Executive Committee	1	200
Ex-officio member	1	200
Librarian	2	200
Salary and payment of	2	200
Public printer to bind files and print circulars, etc	2	200
Duties of society	3	200, 201

HeinOnline -- 1891 374 1891

	Sec.	Page.
HISTORICAL SOICETY—Continued.		
Appropriation for	4	201
Expenditure of money	4	201
Allowance for volume of collections	4	201
Provisions of act to be accepted within six months	4	201
INFORMATION.		
Jurisdiction of District Court in criminal cases	1	248
Prosecution to be by information after examination, or leave of court	1	248
Except in appeals to District Court	1	248
Or by indictment	1	249
When County Attorney to file information	2	249
What to charge	2	249
Attorney to examine evidence and circumstances of each case	2	249
When no information filed, must make statement	2	249
Court to examine and decide whether information necessary	2	249
When and how court may require information to be filed	2	249
What information to state	3	249
Degrees of same offense may be joined	3	250
To run in name of State	3	250
To be signed by whom	3	250
To be verified by whom, and how	3	250
Names of witnesses to be indorsed	3	250
Criminal procedure in force to apply to informations	4	250
INSPECTOR OF MINES—See: Coal Mining.		
IRRIGATING DITCHES, FLUMES, ETC.		
Obtaining right of way	1	295
Presenting petitions to District Judge	1	296
Petition to be verified	1	296
What to contain	1	296
Judge to issue citation	2	296
Hearing	3	296
Order and appointment of Commissioners to assess damages	3	297
Commissioners to view and assess and report damages	4	297
Payment or tender of damages entitles petitioner to possession	6	297
Judge may set aside report and appoint other commissioners when appeal from assessment of commissioners to District Court	7	297
Service of notice of appeal	7	298
Appeal bond	7	298
What triable	8	298
Trial in other civil cases	8	298
Appellee to remain in possession if bond filed	9	298
Costs of appeal	10	298
Costs and expenses of proceeding	11	298
JEFFERSON RIVER.		
Authorizing maintenance of dam for irrigating and mechanical purposes.	1	282
Damages arising from dam	2	282
When act to take effect	3	282
JEFFERSON COTNTY—See; Deer Lodge County.		
JUDICIAL DISTRICT—See: District Judge.		
JURISDICTION—See: District Judge, Information, Jurisdiction of United States.		
JURISDICTION OF UNITED STATES.		
Cession of jurisdiction, etc, over lands in Yellowstone Park and military reservations	1	263
Concurrent jurisdiction of State	1	263
When act to take effect	2	263
Consent of State to purchase by United States of land for court house, postoffice, etc., sites	1	261
State to retain concurrent jurisdiction	3	262

HeinOnline -- 1891 375 1891

	Sec.	Page.
COUNTY BONDS.—Continued.		
Ceding jurisdiction to United States	2	262
When jurisdiction of United States to vest	4	262
Exemption of such lands from taxes	5	262
JUSTICE OF THE PEACE—See: Bounties		
DEPOSITIONS IN CRIMINAL CASES.		
Fees	7	240
Trespass or injury to State or school land	32	174 L
JUSTICES OF SUPREME COURT.		
Appropriptions for	1	132-34
LABOR DAY.		
First Monday in September a legal holiday to be known as Labor Day	1	260
LEGISLATURE—See: State Board of Examiners.		
Officers and employees of Senate	1	170
Of House of Representatives	2	170
All elected except President of Senate	3	170
What officers and members of Legislature may administer oaths	4	170
Duties of officers and employees	5	171
Secretary of Senate and chief clerk of House at close of session to mark, etc., all bills, etc., of respective bodies and deliver them with all books to Secretary of State	6	171
Secretary of State to receipt for same	6	171
Compensation of employees	7	171
When act to take effect	8	172
Vacancy in membership of Senate or House to be entered in journal if body in session when it occurs	1	175
If not in session to be reported to Governor	1	175
When notified, Governor to investigate	1	175
If he determine that there is a vacancy he must issue writ of election	1	175
To whom directed and what writ to contain	1	175
Within which time Governor to issue writ	1	176
Duty of Clerk of Board after receipt of writ by County Commissioners	2	176
Notice of election	1-2	175-6
Ballots	2	176
Candidates, how nominated	2	176
Election, when and how held	2	176
Canvass of votes, etc	2	176
No new registration required of electors	2	176
Appropriations for	1	132
LIBRARIAN OF HISTORICAL SOCIETY—See: Historicol Society.		
LICENSES.		
Stable keepers	1	164
Vehicles	1	164
Street car companies	1	164
Merchants	2	164
Merchants having no permanent place of business	2	165
Goods of to be assessed by Assessor and taxes to be collected by Treasurer before issuing license	2	165
Church fairs, etc., exempt from license	2	166
Auctioneers	3	166
Public officers not to pay when acting as auctioneers	3	166
Lien of unpaid licenses	4	166
Treasurer to seize and sell property	4	166
Fees of Treasurer	4	166
Treasurer may sue for license	4	166
Extent of lien for unpaid license	4	166
Liability of Treasurer for failure to collect	4	167
Repealing clause	4	167

HeinOnline -- 1891 376 1891

	Sec.	Page.
LIVE STOCK—See: Estrays, Railroads.		
MARRIED WOMEN.		
May conduct business as sole traders	1	263
Must apply to District Court	2	264
To publish notice of application	2	264
For four weeks	2	264
What notice to recite	2	264
Examination of applicant by court	2	264
Order of court	2	264
Insolvency of husband not sufficient cause for granting application	2	264
Creditor of husband may oppose application	2	264
What he may show	2	264
If successful, application denied	2	264
Examination of witnesses	2	264
Oath of applicant before order granted	2	264
Certified copy of order and oath to be recorded in county of business	2	265
When order made and recorded she may carry on business	3	265
In her own name and on her own account	3	265
All assets of business exempt from debts of husband	3	265
Sole trader invested with full legal privileges and liabilities	3	265
Husband cannot manage or superintend business	3	265
Sole trader responsible for maintainance of children	4	265
Husband not responsible for debts of business without his written consent thereto	5	265
Sections 1433 to 1438 inclusive, 1440, 1441 and 1443 of Fifth Division Compiled Statutes repealed	6	265
Act not to impair vested rights	6	265
When act to take effect	7	266
MARSHAL OF SUPREME COURT.		
Office created	1	210
Supreme Court may appoint, when	2	210
Duties of Marshal	3	210
Compensation and mileage	4	210 11
All accounts to be under oath	5	211
To be certified by Chief Justice	5	211
To be paid when chargeable against the State after approval by State Board of Examiners	5	211
MILEAGE—See: Elections.		
Amendment to Section 944, Fifth Division, Compiled Statutes	1	234
Rate of mileage allowed county and township officers, jurors, witnesses, etc., fixed at ten cents per mile	1	234
MINERAL LAND COMMISSIONER.		
Governor to appoint	1	178
Duty of Commissioner to publish statement as to mineral lands claimed by Northern Pacific Railroad Company	1	179
To collect and arrange decisions of court on the subject	2	179
To prepare statistics to submit to Congress	2	179
To prepare bills to be introduced in Congress in relation to such lands	2	179
To inform the President of the United States and members of Congress of the condition of the same	2	179
To publish such information generally	2	179
To secure and preserve proofs of the mineral character of the mountainous portion of the State claimed by said railroad	2	179
To employ counsel to defend interests of the State in such lands	2	179
To prepare maps of such land	2	179
To defend and protect in every way the title of the State to such lands	2	179
To endeavor to secure Congressional legislation	2	179
To attend to the interests of the State as to all its land grants	3	180
When subject to State Board of Land Commissioners	3	180

HeinOnline -- 1891 377 1891

	Sec.	Page.
MINERAL LAND COMMISSIONER.—Continued		
Salary and expenses, including coun el fees	4	180
First term	5	180
Appropriation for	1	134
MINERAL LANDS—See: Mineral Land Commissioner.		
NEGLIGENCE—See: Railroads.		
NOTICE OF ELECTION.		
Amendment to Section 1013, Division 5, Compiled Statutes	1	221
Clerks of Boards of County Commissioners to include in notices of election all offices to become vacant	1	221
Repealing clause	2	221
OBSCENE LITERATURE.		
Selling, exhibiting, etc., obscene or certain other literature to minor a misdemeanor	1	255
Exhibiting same in view of minors, a misdemeanor	2	255
Employing or allowing a minor to be employed to sell etc., same, a misdemeanor	3	255
Penalty for violating act	3	256
PENALTIES AND FORFEITURES—See: Blacklisting, Depredations, Railroads.		
For failure to furnish verified statement of property to Assessor	17	81
For concealing, etc., property to evade taxation	33	84
For failure of duty of County Clerk	Section 95, Page 107,	187 126
Delinquency in payment of taxes	100	108
Failure of bidder to pay at tax sale	117	112
Failure of employer to furnish list of or to pay poll tax of employees	Section 171,	172 123
Penalty for unpaid poll tax	180	124
Officer collecting illegal fee	9	241
POLL TAX—See: Assessment.		
POOR—See: County Auditor.		
PRESIDENTIAL ELECTORS.		
When to be elected	1	173
Canvass, etc., of voter for	2	173
Governor to transmit certificate of election to each	3	174
When to deliver to them three lists of their names	3	174
Other duties of Governor	3	174
When and where electors to assemble	4	174
Vacancy in office, how filled	5	174
When assembled, must perform duties required by constitution and laws of the United States	6	174
Pay and mileage of electors	7	174
Accounts therefore to be certified by Secretary of State	8	174
To be audited by State Auditor and paid by warrants upon the general fund	8	174
PUBLIC ADMINISTRATORS.		
To make reports	1	232
RAILROADS—See: Eminent Domain.		
Failing to fence track when liable for live stock killed or injured	1	267
Steps to be taken for recovery of damages	1	267
Neglect of railroad to pay, incur double liability, when	1	267
Tender of damages by road	1	267
When speed of trains over depot grounds is deemed negligence	1	268
Duty of railroad officials to keep record and give notice of live stock killed or injured	2	268
Failure incur double liability	2	268
Any employee of railroad concealing, etc., animal killed or injured is guilty of misdemeanor	3	268

HeinOnline -- 1891 378 1891

	Sec.	Page.
RAILROADS—See: Eminent Domain.—Continued.		
Penalty	3	268
Repealing clause	3	268
When act to take effect	5	269
REDEMPTION OF PROPERTY SOLD FOR TAXES—See: Assessment.		
REPORTS OF COUNTY OFFICERS.		
All county officers save judges and notaries to make quarterly report of fees, etc	1	232
How and when	2	232
County Commissioners to approve or disapprove	3	232
Clerk to report information obtained from, to State Auditor	4	233
State Auditor to file	4	233
State Auditor to publish and report to Governor	5	233
What published report to show	5	233
Officer failing, guilty of misdemeanor	6	233
Repealing clause	7	233
When act to take effect	8	233
REPRESENTATIVE IN CONGRESS.		
Election of	1	
Canvass of vote	2	
Certificate of election by Governor	3	
REVENUE—See: Assessment, Licenses, Taxation.		
RIGHT OF WAY.		
When Governor and Secretary of State may grant as to State and school lands	46	174 P
ROADS AND HIGHWAYS—See: Road Viewers.		
ROAD VIEWERS.		
Amendment to Section 1810, Division 5, Compiled Statutes	1	222
Duty of County Commissioners to appoint road viewers and to post notices of view by	1	222
Duty of viewer as to road	1	222
Proof of notice	1	222
SALARIES AND COMPENSATION OF COUNTY, DISTRICT AND TOWNSHIP OFFICERS—See: County Auditor, Milea e.		
All fees, costs, allowances, etc., to be collected for use of county	1	235
Except in case of Sheriff for mileage and board of prisoners 1 235	3	237
Classification of officers according to assessed valuations of counties	2	235
Three classes	2	236
Compensation by salaries of officers of first class	3	236
Of second	3	236
Of third	3	237
Salaries paid quarterly by warrants on contingent fund of county	3	237
State to pay one-half the salaries of county attorneys	3	237
Payment by warrant on certificate of County Commissioners	3	237
Act not to effect sheriffs mileage or compensation for board of prisoners	3	237
Compensation of deputies and assistants	4	237-8
Of first class	4	238
Of second	4	238
Of third	4	238
Number of deputies allowed County Clerk and Recorder	4	238
Not to exceed six in any county	4	238
Number allowed Clerks of District Court	4	238
Deputies and assistants allowed Treasurer of first class	4	238
No deputies allowed Treasurer of second and third class	4	238
One deputy allowed Assessor of first class	4	238
Salary of such deputy	4	238
Allowance of deputy assessors by County Commissioners	201	12 8

HeinOnline -- 1891 379 1891

	Sec.	Page.
SALARIES AND COMPENSATION —Continued.		
County Commissioners may regulate salaries of deputies within maximum limits	4	239
Salaries of deputies payable quarterly by warrants on general funds	4	239
Receipt and oath of deputy o assistant before warrant issued for salar	5	239
County Clerk to file same	5	240
False swearing in oath to be deemed perjury	5	240
Sheriffs allowed actual and necessary expenses when serving process for State or county	6	240
Sworn statement by Sheriff and vouchers required	6	240
Payment by State or county warrant	6	240
Fees of Justice of the Peace	7	240
Fees of constable	8	241
Salaries and fees allowed by act are compensation in full	9	241
Officer recovering any fee, reward or salary not specified in act liable for ten times the amount	9	241
How recovered	9	241
Guilty of misdemeanor also	9	241
Penalty	9	241
Verified statement of Sheriff for mileage when State or county is liable for fees	10	241
Failure to furnish	10	241
Repealing clause	11	242
Act to take effect Jan. 1st, 1892	12	242
SALARIES AND EXPENSES OF OFFICERS—See: Appropriations.		
SCHOOL, INDEMNITY AND OTHER STATE LANDS—See: State and School Lands.		
Governor to appoint State Land Agent with consent of State Board of Land Commissioners	1	177
Duty of agent to select lands	1	177
Compensation of	2	177
To hold office at pleasure of State Board	2	177
To file bond with Secretary of State	2	177
All moneys appropriated to be expended under direction of board	3	177
When State Auditor to draw warrants	3	178
Affidavit required for order of payment	3	178
State board to meet for organization and for appointment of agent	4	178
Board may make rules, etc	4	178
SCHOOL TRUSTEES.		
Amendment to Section 1880, Division 5, Compiled Statutes	1	243
Time and manner of election	1	243
Duties of trustees in office as to elections	1	243
Qualifications of voters	1	244
Qualifications of trustees	1	244
Oath to challenged voter	1	244
Duty of clerk of board	1	244
Who may administer oath	1	244
Repealing clause	2	245
Number of trustees in cities and towns of certain class	1	242
Number elected at first election and term of office	2	242
Number elected thereafter	2	242
What ballots to show	3	242
When act to take effect	4	242
Repealing clause	5	243
To make reports	1	232
SEALS OF COURT.		
Seal of Supreme Court	1	206
Clerk of to procure	1	206
To file certified impression with Secretary of State	1	206
Seals of District Courts	2	206

HeinOnline -- 1891 380 1891

	Sec.	Page.
SEALS OF COURTS.—Continued.		
Clerks to procure and to file certified impressions	2	206, 207
To keep seals at County Seats	3	207
Repealing clause	4	207
When act to take effect	5	207
SECRETARY OF STATE—See: Clerk of Supreme Court, Code Commission, Legislature, Presidential Electors, Right of Way, State and School Lands, State Furnishing Board.		
Fees to be collected by for official duties and deposited with State Treasurer	1	172, 173
Appropriations for	1	130-31-33
Is a member and Secretary of State Board of Equalization	71	100
Is a member and Secretary of Board of Commissioners for Insane	1	202
Is a member and Secretary of State Board of Examiners	1	183
Is a member of State Board of Pardons	1	191
Of State Board of Land Commissioners	5	174 B
Is Secretary of State Board of Canvassers	14	304
SHERIFF—See: Mileage.		
Mileage and board of prisoners....Section 1, 235,	3	237
Salary	3	236
Salary of Under Sheriff	4	238
Salary of Deputy Sheriff	4	238
Compensation for services rendered State or County...Section 6, Page 240,	10	241
Board of prisoners	1	234
To make reports	1	232
SOLE TRADERS—See: Married Women.		
STATE AND SCHOOL LANDS—See: Depredations, School, Indemnity and other State Lands.		
Proceeds to remain to credit of specific fund	1	174 A
Not transferable from one fund to another	1	174 A
Investment of	2	174 A
Interest, how used	2	174 B
No sale of school or certain other lands prior to July 1, 1891	3	174 B
Patents, for, how executed	4	174 B
What patent to convey	4	174 B
Leases, how executed	4	174 B
No acknowledgement necessary for patent or lease	4	174 B
Who to constitute Board of Land Commissioners	5	174 B
Board to control and have charge of school and other lands	5	174 B
Power to sell or lease	5	174 B
Board to provide for selection and disposition of	6	174 B
No sale for less than $10 per acre	6	174 C
Land less valuable may be leased	6	174 C
Term of lease and rental	6	174 C
Governor ex-officio President of Board	7	174 C
Meetings	7, 8	174 C
Majority to execute power	9	174 C
Board to keep records, etc	10	174 C
State Audior to audit expenses	10	174 C
Board to assign lands to specific funds	11	174 C
Governor to appoint State Land Agent with consent of Board	12	174 C
Governor to appoint State Land Agent with consent of Board, Section 12, Page 174 D	1	177
Duty of agent....Section 12, Page 174 D,	1	177
Subject to board	12	174 D
To hold office at its pleasure....Section 12, Page 174 D,	2	177
Compensation....Section 12, Page 174 D,	2	177
To report land suitable for selection	12	174 D
Board to keep maps, records, etc., subject to inspection	12	174 D
When agent to employ assistance	13	174 D

HeinOnline -- 1891 381 1891

STATE AND SCHOOL LANDS.—Continued.	Sec.	Page.
All such expenses to be passed upon by State Board of Examiners	13	174 D
Certificate for warrant	13	174 D
State to furnish Board with blanks, etc	14	174 D
State Auditor to pay by warrants for surveys, etc., on vouchers certified by State Board	14	174 E
Board to provide plats of surveyed lands	15	174 E
Also blanks	15	174 E
To ascertain character of certain lands with reference to irrigation	15	174 E
To select lands granted State	15	174 E
To classify same upon maps	15	174 E
Manner of classification	15	174 E
Re-classification every five years	15	174 E
Also to classify and show on maps the respective funds to which lands belong	16	174 E
To select lieu lands	16	174 E
Manner of	16	174 E
To certify selections to proper United States Land office	16	174 F
Certain lands not to be sold for less than $10 per acre, (Section 6, Page 174 C)	17	174 F
Advertised land not bringing such price may be leased, (Section 6, Page 174 C)	17	174 F
Term of Lease (Section 6, Page 174 C)	17	174 F
Rental (Section 6, Page 174 C)	17	174 F
Written contract required of lessee	17	174 F
Selections to be made in legal sub-divisions	18	174 F
When selections made Governor to obtain United States patents	18	174 F
When title assured permanent plats to be made	19	174 F
Set of books to be kept	19	174 G
To show character of soil	19	174 G
Whether irrigable or not	19	174 G
Whether containing useful minerals or not	19	174 G
All matters affecting values	19	174 G
To what specific grant lands belong	19	174 G
For what particular purpose selected	19	174 G
Classification according to Constitution	19	174 G
Plats and books to show any re-classification	19	174 G
When Board may direct sale	20	174 G
Sales at auction	20	174 G
Amount to be sold at one time	20	174 G
To be sold in 160 acre lots	20	174 G
When in smaller lots	20	174 G
Purchaser limited in amount of purchase	20	174 G
Board to prepare statement of each lot to be sold	21	174 G
Notice of sale to be published in newspaper	21	174 G
Ten dollars per acre minimum price	21	174 H
Place of sale	21	174 H
Payment of purchase money	21	174 H
Timber lands not to be leased	21	174 H
Period of publication of notice	22	174 H
Payment of first installment of purchase money	23	174 H
County Treasurer to remit to State Treasurer	23	174 H
Penal bond of purchaser for balance	23	174 H
Terms of payment and interest	23	174 H
Penalty for default	23	174 I
Suit by Attorney General	23	174 I
Purchaser may pay in full	23	174 I
State Auditor to issue certificate	24	174 I
What to contain	24	174 I
When to cancel bond and cause patent to issue	25	174 I
When duplicate certificate or patent issued	26	174 I
Suit on bond, when	27	174 J

HeinOnline -- 1891 382 1891

STATE AND SCHOOL LANDS —Continued.	Sec.	Page.
Resale upon default, when	27	174 J
Forfeiture of partial payments	27	174 J
Board to hear and determine controversies	27	174 J
May establish rules to prevent fraud	28	174 J
Disposal of land offered, but not sold at auction	29	174 J
Minimum price	29	174 J
When board may reappraise value	30	174 J
Limit to reduction	30	174 J
Allowance for improvements upon surveyed lands	31	174 K
Bidder owning may deduct	31	174 K
State Treasurer to pay owner therefor, when	31	174 K
Appraisal of improvements	31	174 K
Trespass or injury to land, a misdemeanor	32	174 K
Penalty for	32	174 K
County Superintendent of Schools to report same	32	174 K
Justice of the Peace to commit offender, in default of recognizance	32	174 L
Purchaser cutting timber in excess of certain amount liable for same	33	174 L
Action for by Attorney General or County Attorney	33	174 L
Disposition of fines and forfeitures	34	174 L
When State to purchase lands upon resale for default in payment	35	174 L
Assessment of lands sold, for first five years	36	174 L
Improvements upon	36	174 M
Duty of State Treasurer as to money from sales	37	174 M
Statement accompanying payment	37	174 M
Warrants for expenses of sale issued by Auditor on vouchers	38	174 M
Board may lease lands	39	174 M
Rental and payments	39	174 M
Bond of lessee against waste	39	174 M
Use of timber by lessee	39	174 M
Ten householders may petition for sale of school lands in their district	40	174 M
Appraisers to be appointed by County Commissioners	40	174 N
Appraisal of land and improvements	40	174 N
Compensation of appraisers	40	174 N
County Clerks' duty as to appraisement	41	174 N
Lands to be sold at auction at county seat	41	174 N
County Treasurer to sell after due notice	41	174 N
His duty to transmit moneys received	40	174 N
Payment for school the same as for other lands	41	174 N
Certain officers and persons disqualified from buying or leasing	42	174 O
School or other lands may be platted and sold in town lots, when	43	174 O
Manner of sale, notice, etc	43	174 O
Preference right to person having bona fide improvements	44	174 O
Limited as to amount	44	174 P
Superintendents of Schools to report condition and any occupancy of school lands, before July, 1891	45	174 P
Location of lieu lands in case of any valid occupancy	45	174 P
When Governor and Secretary of State may grant right of way over lands.	46	174 P
When they may grant right of way for platting and dividing lands into town lots	46	174 P
In latter case board to sell only alternate lots until year 1910	46	174 Q
May lease lots not sold until year 1910	46	174 Q
Appraisers of land guilty of perjury, when	47	174 Q
Board to publish annual report	48	174 R
What to contain	48	174 R
Settlers upon lands offered for sale or lease to have preference right	49	174 R
Section to be liberally construed	49	174 R
Lease of grazing lands to include not less than a section	50	174 R
Only citizens and persons who have declared their intentions may lease under this act	50	174 R
Right of settlers and occupants of grazing lands to sell or remove improvements	50	174 R

STATE AUDITOR—See: Assessment, Bounties, Code Commission, Presidential Electors, Reports of County Officers, State Board of Commissioners for Insane, State Board of Examiners.

HeinOnline -- 1891 383 1891

	Sec.	Page.
STATE AUDITOR.—Continued.		
Appropriations for	1	131, 133
Is member of State Board of Equalization	71	100
Also of State Board of Pardons	1	191
Is a member of State Board of Canvassers	14	304
STATE BOARD OF COMMISSIONERS FOR INSANE.		
Who to constitute	1	202
Officers	2	202
Secretary to keep written minutes, etc	3	202
Each Commissioner to have one vote	3	202
Board may prescribe rules for custody, maintenance and treatment of persons adjudged insane	4	202
To have access to State asylum and to visit and inspect quarterly	5	202, 203
To make annual report and file with State Auditor	6	203
Auditor to embrace same in his report to Legislature	6	203
Board to be allowed traveling expenses, etc	7	203
Governor to advertise for bids for keeping insane	8	203
Time for publication	8	203
Bid to be accompanied by certified check as forfeit	8	203
Bond to be given by contractor if bid accepted	8	203, 204
Board to canvass bids and Governor to award contrac with its consent	9	204
Board may reject bids	9	204
Terms of contract.....Section 9,	10	204
When Board may annul and relet contract	11	204, 205
Accounts due under contract must be approved by Board of Examiners	12	205
State Auditor to draw warsant	12	205
Period of contract	13	205
Repealing clause	14	205
STATE BOARD OF EQUALIZATION—See: Assessment.		
Appropriation for	1	129
STATE BOARD OF EXAMINERS—See: Bounties, Marshal of Supreme Court, State and School Lands, Sugar Beets.		
Who to constitute	1	183
Board to have power to examine all claims against the State	1	183
Except salaries and compensation of officers fixed by law	1	183
Board to perform such other duties as may be prescribed by law	1	183
Legislature not to pass upon claims, except salaries and compensation of officers fixed by law, unless passed upon by Board	1	183
Meetings of Board	2	183
Governor to be chairman and Secretary of State, secretary	2	183
Officers pro tempore	2	183
Record of proceedings	3	183
Any member may dissent from majority and enter same of record	3	183
All claims against State to be filed with Secretary before action by Board	3	183
Board may establish rules in writing	4	183
Chairman may issue subpœna and compel attendance of witnesses before Board or any member	5	186
Any member may take deposition to be used before board	5	184
Chairmen to require attendance of witnesses in behalf of State whenever necessary	5	184
Payment of such witnesses	5	184
Manner of	5	184
No allowance of fees to witnesses in behalf of claimants	5	184
Presentation of claim to board when an appropriation has been mad	6	184
Duty of Secretary as to such claim	6	184
Action upon claim presented	6	184
Indorsement, if approved	7	184
State Auditor to draw warrant, if allowed	7	184
If disapproved statement of reason therefor	8	184
Presentation of claim when no appropriation has been made, or it is exhausted	9	185

HeinOnline -- 1891 384 1891

	Sec.	Page.
STATE BOARD OF EXAMINERS—Continued.		
Board to audit and report to Legislature if approved	9	185
When and how certain claims to be presented	10	185
When board to meet and consider	11	185
To publish list of claims filed, etc	11	185
Manner of considering claims	12	185
Evidence	12	185
Personal knowledge of members	12	186
When to report recommendation to Legislature	13	186
Disqualification of member, when	14	186
Entertaining claim second time	15	186
Appeal from decision of board to Legislature	16	186
Manner of taking	16	186
Chairmen to transmit necessary papers and statement of evidence after notice of appeal	16	186
State Auditor not to draw warrant for claim unless approved by board or Legislature	17	186
When board may prohibit Treasurer from paying warrant	18	187
Has full power to examine books, etc., of State Auditor and Treasurer	19	187
Must every quarter file in office of Secretary of State and publish statement of money in the treasury	20	187
State Auditor and Treasurer must submit to examination by board	21	187
When act to take effect	22	187
STATE BOARD OF LAND COMMISSIONERS—See: Mineral Land Commission, State and School Lands, School, Indemnity and other State Lands.		
Appropriations for	1	130
STATE BOARD OF PARDONS.		
Appropriations for	1	130
Who to constitute	1	191
Members may elect chairman	1	191
Clerk	2	192
Salary of	2	192
Meetings of Board	3	192
When Governor pardons or remits fine, etc., Board to convene	4	192
To pass order	5	192
What to recite	5	192
Copy of to be published	6	193
Copies to be mailed	6	193
Affidavit of publication	7	193
To keep record of proceedings	8	194
Hearing of petition or case	9	194
Counsel may appear	9	194
When Board to decide upon action of Governor	10	194
To file written decision with Secretary of State	10	194
To transmit copy to Governor	10	194
Decision to be entered in record	11	194
Also dissent of any member	11	194
What records of proceedings to show	12	194, 195
Majority of Board to decide	13	195
Any member may administer oaths	13	195
Rules	13	195
Expenses, how audited and paid	14	195
STATE BOARD OF PRISON COMMISSIONERS.		
Appropriations for	1	130
STATE FURNISHING BOARD.		
Who to constitute	1	188
To advertise for proposals for stationery, fuel, etc., and for all public printing	2	188
Opening bids	2	188
Two members a quorum	2	188

HeinOnline -- 1891 385 1891

	Sec.	Page.
STATE FURNISHING BOARD.—Continued.		
Awarding contracts	2	189
Bids to be accompanied by bonds	2	189
Condition of bond	2	189
Board may receive bids and award separate contracts for different classes of supplies	2	189
May require delivery of goods in installments	2	189
May reject bids and re-advertise	2	189
Contracts must be approved by Governor and Secretary of State	2	189
Board may establish rules	3	189
Secretary of State to make inventory of supplies on hand	4	190
To keep books in relation to supplies	4	190
Entries	4	190
To issue supplies on requisitions and take receipts	4	190
When Board to make inventories and examine vouchers, etc	5	190
Duty to report to legislature in regard to supplies, etc	6	190
Expenses of Board to be audited by Board of Examiners	7	191
How paid	7	191
No salary or compensation allowed	7	191
No member of Board or officer of government to be interested in contracts	8	191
Repealing clause	9	191
STATE LAND AGENT—See: School Indemnity and Other State Lands, State and School Lands		
STATE TREASURER—See: Assessment, Bounties, State and School Lands, State Board of Examiners.		
Amendment to Section 144, Fifth Division, Compiled Statutes	1	168
If it shall appear to State Board of Examiners upon examination of his books that the Treasurer has violated the law or has been culpably negligent, they must certify to Governor	2	168
Duty of Governor to take possession of books, moneys, etc., and to temporarily suspend Treasurer	2	169
Examination of matter by expert employed by State Board of Examiners	2	169
If found that the Treasurer has embezzled or converted money, or has been culpably negligent, and board approves findings, Governor must appoint another Treasurer	2	169
Bond to be approved by Governor	2	169
Oath of appointee and before whom taken	2	169
Oath and bond to be filed with and recorded by Secretary of State	2	169
Books, money, etc., to be turned over to him by Governor	2	169
Governor to report action to Legislature	2	169
Term of office of appointee	2	169
Repealing clause	3	169
Duty as to balances in special funds 2 130	1	143
Appropriations for 1 131	1	133
To transfer money from stock indemnity to stock inspector and detective fund	1	135
Is member of State Board of Equalization	11	100
Is a member of State Board of Canvassers	14	304
SUGAR BEETS.		
Bounty for	1	261
Claim for, to be approved by State Board of Examiners	2	261
Payment of bounty by State warrant	2	261
SUPERINTENDENT OF COMMON SCHOOLS.		
Salary	3	236
To make reports	1	232
Duty as to State and school lands 32 174 K	45	174 P
SUPERINTENDENT OF PUBLIC INSTRUCTION.		
Appropriation for	1	131-33
Is a member of State Board of Land Commissioners	5	174 B

HeinOnline -- 1891 386 1891

	Sec.	Page.
SUPREME COURT—See: Clerk of, Justices of, Marshal of, Seals of Court, Terms of Court.		
TAXATION—See: Assessment, Deduction, Licenses.		
Property subject to.....Section 1, 73,	5	262
Property exempt	2	73
Mining ground taxable at price paid United States	3	73
Unless surface ground is used and has value independent of mining	3	74
Mining machinery and improvements	3	74
Annual net proceeds	3	74
Definitions in revenue act	4	74
"Property"	4	74
"Real estate"	4	74
"Improvements"	4	74
"Personal property"	4	74
"Value and full cash value"	4	74
"Credit"	4	74
Deductions from credits	4	75
Taxable property, assessed at full cash value	5	75
Shares in, and property of bank.....Sections 6, 7,	8	75, 76
Shares in National Banks, located in another State, exempt	9	76
Private bank property	10	76
Rate of taxation of property of railroads operating in more than one County	46	91
Improvements, etc., upon mining claims not exempt from taxation	56	95
Levy of taxes by legislature for appropriations and deficiencies	80	104
County Commissioners to fix rate of taxation in Counties	81	104
Every tax to have force of personal judgment	82	104
Lien for tax to have effect of execution against all personalty of delinquent	82	104
When judgment and lien satisfied	82	104
Tax upon realty or improvements a lien	83	105
When lien attaches	83	105
Levy of school tax by legislature	84	105
Collection of	84	105
Poll tax	163	122
Levy of taxes for State purposes for the year 1891	1	163
For the year 1892	2	164
TERMS OF COURT.		
Supreme Court to hold four annually at the capital	1	207
Designation of term	1	207
When each term to commence	2	107
UNITED STATES—See: Jurisdiction of.		
WITNESSES—See: Deposition in Criminal Cases, Information, Mileage.		
Fees when subpœnaed by County Auditor	5	229
When they attend before State Board of Examiners	5	184
WORLD'S FAIR COMMISSIONERS.		
Board to consist of sixteen	1	196
Name of board	1	196
Ex-officio members	2	196
Governor to appoint members	3	196
When to meet	3	197
To elect officers	3	197
Treasurer to give bond	3	197
Five members a quorum	3	107
Rules	3	197
Governor may removes any member for cause	3	197
May fill vacancy	3	197
Compensation of members not officers	4	197
Board with consent of Governor to appoint executive commissioner and fix his salary	5	197

HeinOnline -- 1891 387 1891

	Sec.	Page.
WORLD'S FAIR COMMISSIONERS.—Continued.		
Payment of salary	5	197
Duties	5	197
Board to represent State at World's Columbian Exposition of 1893	6	198
In what manner	6	198
Board to report to Governor	7	198
Appropriation	8	198
How money paid from	8	199
YELLOWSTONE COUNTY.		
Certain territory added thereto	1	223

HeinOnline -- 1891 388 1891